

House of Representatives, March 31, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND TO CERTAIN PUBLIC AND SPECIAL ACTS.

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

1 Section 1. Section 4-124q of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 There shall annually be paid to each regional
5 planning agency organized under the provisions of
6 chapter 127, each regional council of governments
7 organized under the provisions of THIS chapter,
8 [50,] and each regional council of elected
9 officials organized under the provisions of THIS
10 chapter [50] in any planning region without a
11 regional planning agency, from the appropriation
12 for such purpose, a grant-in-aid equal to (1) five
13 and three-tenths per cent of such appropriation
14 plus (2) for each agency or council which raises
15 local dues in excess of five and three-tenths per
16 cent of such appropriation, an additional grant in
17 an amount equal to the product obtained by
18 multiplying the appropriation available for the
19 purpose of this subdivision by the following
20 fraction: The amount of dues raised by such agency
21 or council pursuant to section 8-34a, section

22 4-124f or section 4-124p in excess of five and
23 three-tenths of such appropriation shall be the
24 numerator. The amount of such dues raised by each
25 such agency or council in excess of five and
26 three-tenths per cent of such appropriation shall
27 be added together and the sum shall be the
28 denominator.

29 Sec. 2. Subsection (h) of section 5-259 of
30 the general statutes is repealed and the following
31 is substituted in lieu thereof:

32 (h) For the purpose of SUBSECTION (g) OF this
33 section, "Probate Court employee" means a person
34 employed by a probate court for at least twenty
35 hours per week.

36 Sec. 3. Section 12-285a of the general
37 statutes, as amended by section 11 of public act
38 97-243, is repealed and the following is
39 substituted in lieu thereof:

40 For purposes of sections 12-286a, 12-295a,
41 12-314a [, 12-315a] and subsection (a) of section
42 53-344: (1) "Distributor" includes a manufacturer
43 of tobacco products; (2) "sale" or "sell" means an
44 act done intentionally by any person, whether done
45 as principal, proprietor, agent, servant or
46 employee, of transferring, or offering or
47 attempting to transfer, for consideration,
48 cigarettes or tobacco products, including
49 bartering or exchanging, or offering to barter or
50 exchange, cigarettes or tobacco products; (3)
51 "give" or "giving" means an act done intentionally
52 by any person, whether done as principal,
53 proprietor, agent, servant or employee, of
54 transferring, or offering or attempting to
55 transfer, without consideration, cigarettes or
56 tobacco products; (4) "deliver" or "delivering"
57 means an act done intentionally by any person,
58 whether as principal, proprietor, agent, servant
59 or employee, of transferring, or offering or
60 attempting to transfer, physical possession or
61 control of cigarettes or tobacco products.

62 Sec. 4. Section 12-315a of the general
63 statutes is repealed and the following is
64 substituted in lieu thereof:

65 The Commissioner of Revenue Services shall
66 prepare a report on enforcement efforts undertaken
67 pursuant to sections 12-286a, 12-289a, 12-295a AND
68 12-314. [and 12-314a.] Such report shall include
69 the number of unannounced inspections conducted by

70 said commissioner, a summary of enforcement
71 actions taken pursuant to said sections and an
72 assessment of the progress made in the previous
73 fiscal year in reducing the availability of
74 tobacco products to minors. Said commissioner
75 shall transmit such report on or before January 1,
76 1998, and annually thereafter, to the joint
77 standing committee of the General Assembly having
78 cognizance of matters relating to public health,
79 to the select committee of the General Assembly
80 having cognizance of matters relating to children
81 and to the state agency designated by the Governor
82 as being responsible for reducing the rate at
83 which tobacco products are being sold to persons
84 under eighteen years of age.

85 Sec. 5. Subdivision (5) of subsection (b) of
86 section 16-8 of the general statutes is repealed
87 and the following is substituted in lieu thereof:

88 (5) The results of an audit performed
89 pursuant to this section shall be filed with the
90 department and shall be open to public inspection.
91 Upon completion and review of the audit, if the
92 person or firm performing or supervising the audit
93 determines that any of the operating procedures or
94 any other internal workings of the affected public
95 service company are inefficient, improvident,
96 unreasonable, negligent or in abuse of discretion,
97 the department may, after notice and opportunity
98 for a hearing, order the affected public service
99 company to adopt such new or altered practices and
100 procedures as the department shall find necessary
101 to promote efficient and adequate service to meet
102 the public convenience and necessity. The
103 department shall annually submit a report of
104 audits performed pursuant to this section to the
105 joint standing committee of the General Assembly
106 having cognizance of matters relating to [energy
107 and] public utilities which report shall include
108 the status of audits begun but not yet completed
109 and a summary of the results of audits completed.

110 Sec. 6. Subsection (a) of section 16-32f of
111 the general statutes is repealed and the following
112 is substituted in lieu thereof:

113 (a) On or before October first of each
114 even-numbered year, a gas company, as defined in
115 section 16-1, shall furnish a report to the
116 Department of Public Utility Control containing a
117 ten-year forecast of loads and resources. The

118 report shall describe the facilities and supply
119 sources that, in the judgment of such gas company,
120 will be required to meet gas demands during the
121 forecast period. The report shall be made
122 available to the public and shall be furnished to
123 the chief executive officer of each municipality
124 in the service area of such gas company, the
125 regional planning agency which encompasses each
126 such municipality, the Attorney General, the
127 president pro tempore of the Senate, the speaker
128 of the House of Representatives, the joint
129 standing committee of the General Assembly having
130 cognizance of matters relating to [energy and]
131 public utilities, any other member of the General
132 Assembly making a request to the department for
133 the report and such other state and municipal
134 entities as the department may designate by
135 regulation. The report shall include: (1) A
136 tabulation of estimated peak loads and resources
137 for each year; (2) data on gas use and peak loads
138 for the five preceding calendar years; (3) a list
139 of present and projected gas supply sources; (4)
140 specific measures to control load growth and
141 promote conservation; and (5) such other
142 information as the department may require by
143 regulation. A full description of the methodology
144 used to arrive at the forecast of loads and
145 resources shall also be furnished to the
146 department. The department shall hold a public
147 hearing on such reports. On or before August first
148 of each odd-numbered year, the department may
149 request a gas company to furnish to the department
150 an updated report. A gas company shall furnish any
151 such updated report not later than sixty days
152 following the request of the department.

153 Sec. 7. Subsection (a) of section 16-333f of
154 the general statutes is repealed and the following
155 is substituted in lieu thereof:

156 (a) Each community antenna television company
157 shall inform the Department of Public Utility
158 Control, each subscriber, the chairpersons of the
159 joint standing committee [on energy and] HAVING
160 COGNIZANCE OF MATTERS RELATING TO public utilities
161 and the chairperson of the company's advisory
162 council of any planned programming or rate changes
163 not less than sixty days unless otherwise required
164 by federal law prior to implementing such changes
165 unless (1) such changes are required by law to be

166 made in less than sixty days or (2) the department
167 prescribes a longer or shorter notice period in
168 appropriate circumstances where such longer or
169 shorter notice period is in the best interest of
170 the company's subscribers. The company's advisory
171 council may hold an advisory public hearing
172 concerning the planned changes and may then make a
173 recommendation to the company prior to the planned
174 implementation date. The department shall adopt
175 regulations in accordance with chapter 54 to carry
176 out the purposes of this subsection.

177 Sec. 8. Section 16-333o of the general
178 statutes is repealed and the following is
179 substituted in lieu thereof:

180 Upon the enactment of federal legislation
181 authorizing rate regulation of community antenna
182 television companies, the Department of Public
183 Utility Control shall proceed to implement such
184 rate regulation as soon as practicable. The
185 Department of Public Utility Control shall develop
186 a schedule and plan to implement such rate
187 regulation and shall submit them to the joint
188 standing committee of the General Assembly having
189 cognizance of matters relating to [energy and]
190 public utilities within ninety days of enactment
191 of the federal legislation.

192 Sec. 9. Subsection (a) of section 16-358 of
193 the general statutes is repealed and the following
194 is substituted in lieu thereof:

195 (a) Every gas company, as defined in section
196 16-1, owning or operating any underground
197 facilities for furnishing gas shall, every two
198 years, beginning on or before April 1, 1997,
199 furnish a report to the Department of Public
200 Utility Control concerning the condition of such
201 underground gas facilities for each of the
202 previous two calendar years. The report shall be
203 made available to the public and shall be
204 furnished to the chief executive officer of each
205 municipality in which such underground gas
206 facilities are located, the regional planning
207 agency which encompasses each such municipality,
208 the Attorney General, the president pro tempore of
209 the Senate, the speaker of the House of
210 Representatives, the joint standing committee of
211 the General Assembly having cognizance of matters
212 relating to [energy and] public utilities, any
213 other member of the General Assembly making a

214 request to the department for the report and such
215 other state and municipal bodies as the department
216 may designate by regulation. The report shall
217 include: (1) Information concerning the age and
218 condition of such underground gas facilities; (2)
219 data on all major repairs to such underground gas
220 facilities undertaken during the reporting period;
221 (3) plans for replacing aged, deteriorated and
222 obsolete piping; (4) plans for the construction of
223 new underground gas facilities; and (5) such other
224 information as the department may require by
225 regulation.

226 Sec. 10. Section 16-359 of the general
227 statutes is repealed and the following is
228 substituted in lieu thereof:

229 Every two years, beginning October 1, 1997,
230 the Department of Public Utility Control may
231 submit a report concerning compliance with and
232 enforcement of the provisions contained in this
233 chapter to the joint standing committee of the
234 General Assembly having cognizance of matters
235 relating to [energy and] public utilities. Such
236 reports shall be based upon data assembled for the
237 most recent twenty-four-month period and shall
238 include, without limitation, the number of
239 notifications made to the central clearinghouse, a
240 detailed listing of accident, damage and injury
241 reports and a detailed listing of enforcement
242 actions brought and civil penalties imposed by the
243 department. Such report shall also contain the
244 findings and recommendations of the department
245 with respect to the improvement of compliance with
246 and enforcement of the provisions contained in
247 this chapter and an evaluation of the overall
248 condition of the state's underground gas
249 facilities, including the potential for harm to
250 the public and disruption of service resulting
251 from aged, deteriorated and obsolete underground
252 facilities.

253 Sec. 11. Subsection (c) of section 16a-37u of
254 the general statutes is repealed and the following
255 is substituted in lieu thereof:

256 (c) The Secretary of the Office of Policy and
257 Management, in conjunction with the Department of
258 Public Works, shall as soon as practicable and
259 where cost-effective connect all state-owned
260 buildings to a district heating and cooling
261 system, where such heating and cooling system

262 currently exists or where one is proposed. The
263 secretary, in conjunction with the Department of
264 Public Works, shall prepare an annual report with
265 the results of his progress in connecting
266 state-owned buildings to such a heating and
267 cooling system, the cost of such connection and
268 any projected energy savings achieved through any
269 such connection. The secretary shall submit his
270 report to the joint standing committee of the
271 General Assembly having cognizance of matters
272 relating to energy [and public utilities] on or
273 before January 1, 1993, and January first annually
274 thereafter.

275 Sec. 12. Subsection (b) of section 17a-101 of
276 the general statutes is repealed and the following
277 is substituted in lieu thereof:

278 (b) The following persons shall be mandated
279 reporters: Any physician or surgeon licensed under
280 the provisions of chapter 370 or 371, any resident
281 physician or intern in any hospital in this state,
282 whether or not so licensed, and any registered
283 nurse, licensed practical nurse, medical examiner,
284 dentist, dental hygienist, psychologist, school
285 teacher, school principal, school guidance
286 counselor, school paraprofessional, social worker,
287 police officer, clergyman, pharmacist, physical
288 therapist, osteopath, optometrist, chiropractor,
289 podiatrist, mental health professional or
290 physician assistant, any person who is a
291 [licensed] CONNECTICUT CERTIFIED substance abuse
292 counselor, any person who is a licensed marital
293 and family therapist, any person who is a sexual
294 assault counselor or a battered women's counselor
295 as defined in section 52-146k or any person paid
296 to care for a child in any public or private
297 facility, day care center or family day care home
298 which is licensed by the state.

299 Sec. 13. Subsection (b) of section 17a-110 of
300 the general statutes is repealed and the following
301 is substituted in lieu thereof:

302 (b) At a hearing held in accordance with
303 subsection (e) of section 46b-129, the court shall
304 determine the appropriateness of continuing
305 efforts to [reunify] REUNITE a child with his
306 family. If the court finds that such efforts are
307 not appropriate, the Department of Children and
308 Families shall within sixty days of such finding
309 either (1) file a petition for the termination of

310 parental rights, (2) file a motion to revoke the
311 commitment and vest the custody and guardianship
312 of the child on a permanent or long-term basis in
313 an appropriate individual or couple, or (3) file a
314 written permanency plan with the court for
315 permanent or long-term foster care, which plan
316 shall include an explanation of the reason that
317 neither termination of parental rights nor custody
318 and guardianship is appropriate for the child. The
319 court shall promptly convene a hearing for the
320 purpose of reviewing such written plan.

321 Sec. 14. Subsection (c) of section 17a-112 of
322 the general statutes is repealed and the following
323 is substituted in lieu thereof:

324 (c) The Superior Court, upon hearing and
325 notice as provided in sections 45a-716 and
326 45a-717, may grant a petition filed pursuant to
327 this section if it finds by clear and convincing
328 evidence (1) that the Department of Children and
329 Families has made reasonable efforts to locate the
330 parent and to [reunify] REUNITE the child with the
331 parent, unless the court finds in this proceeding
332 that the parent is unable or unwilling to benefit
333 from [reunification] SUCH efforts TO REUNITE THE
334 CHILD WITH THE PARENT provided such finding is not
335 required if the court has determined at a hearing
336 pursuant to subsection (b) of section 17a-110 that
337 such efforts are not appropriate, (2) that
338 termination is in the best interest of the child,
339 and (3) that over an extended period of time,
340 which except as provided in subsection (d) of this
341 section shall not be less than one year, provided
342 such time limit shall not apply to subparagraph
343 (e) of this subsection: (A) The child has been
344 abandoned by the parent in the sense that the
345 parent has failed to maintain a reasonable degree
346 of interest, concern or responsibility as to the
347 welfare of the child; (B) the parent of a child
348 who has been found by the Superior Court to have
349 been neglected or uncared for in a prior
350 proceeding has failed to achieve such degree of
351 personal rehabilitation as would encourage the
352 belief that within a reasonable time, considering
353 the age and needs of the child, such parent could
354 assume a responsible position in the life of the
355 child; (C) the child has been denied, by reason of
356 an act or acts of parental commission or omission,
357 the care, guidance or control necessary for his

358 physical, educational, moral or emotional
359 well-being. Nonaccidental or inadequately
360 explained serious physical injury to a child shall
361 constitute prima facie evidence of acts of
362 parental commission or omission sufficient for the
363 termination of parental rights; (D) There is no
364 ongoing parent-child relationship, which means the
365 relationship that ordinarily develops as a result
366 of a parent having met on a day to day basis the
367 physical, emotional, moral and educational needs
368 of the child and to allow further time for the
369 establishment or reestablishment of such
370 parent-child relationship would be detrimental to
371 the best interest of the child; or (E) the parent
372 of a child under the age of seven years who is
373 neglected or uncared for, has failed, is unable or
374 is unwilling to achieve such degree of personal
375 rehabilitation as would encourage the belief that
376 within a reasonable period of time, considering
377 the age and needs of the child, such parent could
378 assume a responsible position in the life of the
379 child and such parent's parental rights of another
380 child were previously terminated pursuant to a
381 petition filed by the Commissioner of Children and
382 Families.

383 Sec. 15. Section 17a-510 of the general
384 statutes is repealed and the following is
385 substituted in lieu thereof:

386 Any person who is a patient in a hospital for
387 psychiatric disabilities upon the order of any
388 court of probate, or his or her representative,
389 may make application to the court of probate for
390 the district in which such hospital is located for
391 his or her release from said hospital. Upon
392 receipt of any such application, such court shall
393 assign a time, not later than ten days thereafter,
394 and a place for hearing such application, and
395 shall cause reasonable notice thereof to be given
396 to the applicant, the superintendent of the
397 hospital where the applicant is confined and to
398 such relative or relatives and friends as it deems
399 advisable. Such notice shall inform the applicant
400 that he or she has a right to be present at the
401 hearing and to present evidence at the hearing;
402 that he or she has a right to counsel; that he or
403 she, if indigent, has a right to have counsel
404 appointed to represent him or her; and that he or
405 she has a right to cross-examine witnesses at any

406 hearing upon such application. Notwithstanding the
407 provisions of chapter 899, hospital records shall
408 be admissible in evidence. Nothing herein shall
409 prevent timely objection to the admissibility of
410 evidence in accordance with the rules of civil
411 procedure. Unless the court finds that further
412 confinement of the applicant is necessary in
413 accordance with the standards set forth in section
414 17a-498, the court shall order the release of such
415 person. All of the expenses in connection with an
416 application filed under this section shall be paid
417 by the applicant, unless the applicant is indigent
418 or otherwise unable to pay such expenses, in which
419 case such expenses shall be paid by the state from
420 funds appropriated to the Department of Mental
421 Health and Addiction Services, in accordance with
422 rates established by said department, and
423 attorney's fees shall be established by the
424 Probate Court Administrator, and paid from the
425 Probate Court Administration Fund, provided in no
426 event shall the expenses be paid for any one
427 applicant for more than two hearings in any one
428 year, including the hearing provided for in
429 subsection (g) of section 17a-498. Such court may,
430 for reasonable cause shown, order any person
431 confined in a hospital for psychiatric
432 disabilities to be removed to any other hospital
433 for psychiatric disabilities in this state. If the
434 officers, directors or trustees of a state
435 hospital for psychiatric disabilities are notified
436 by the superintendent of such institution or other
437 person in a managerial capacity that he has reason
438 to believe that any person committed thereto by
439 order of a probate court does not have psychiatric
440 disabilities or IS NOT a suitable subject to be
441 confined in such institution, or is appropriate
442 for voluntary status, such officers, directors or
443 trustees may discharge such person or convert the
444 status of such person to voluntary status pursuant
445 to section 17a-506. The superintendent or other
446 director of such institution shall notify such
447 person's next of kin or close friend of such
448 person's discharge, provided such patient consents
449 in writing to such notification.

450 Sec. 16. Section 17a-510 of the general
451 statutes, as amended by section 13 of public act
452 96-170, is repealed and the following is
453 substituted in lieu thereof:

454 Any person who is a patient in a hospital for
455 psychiatric disabilities upon the order of any
456 court of probate, or his or her representative,
457 may make application to the court of probate for
458 the district in which such hospital is located for
459 his or her release from said hospital. Upon
460 receipt of any such application, such court shall
461 assign a time, not later than ten days thereafter,
462 and a place for hearing such application, and
463 shall cause reasonable notice thereof to be given
464 to the applicant, the superintendent of the
465 hospital where the applicant is confined and to
466 such relative or relatives and friends as it deems
467 advisable. Such notice shall inform the applicant
468 that he or she has a right to be present at the
469 hearing and to present evidence at the hearing;
470 that he or she has a right to counsel; that he or
471 she, if indigent, has a right to have counsel
472 appointed to represent him or her; and that he or
473 she has a right to cross-examine witnesses at any
474 hearing upon such application. Notwithstanding the
475 provisions of chapter 899, hospital records shall
476 be admissible in evidence. Nothing herein shall
477 prevent timely objection to the admissibility of
478 evidence in accordance with the rules of civil
479 procedure. Unless the court finds that further
480 confinement of the applicant is necessary in
481 accordance with the standards set forth in section
482 17a-498, the court shall order the release of such
483 person. All of the expenses in connection with an
484 application filed under this section shall be paid
485 by the applicant, unless the applicant is indigent
486 or otherwise unable to pay such expenses, in which
487 case such expenses shall be paid by the state from
488 funds appropriated to the Department of Mental
489 Health and Addiction Services, in accordance with
490 rates established by said department, and
491 attorney's fees shall be established by, and paid
492 from funds appropriated to, the Judicial
493 Department, however, if funds have not been
494 included in the budget of the Judicial Department
495 for such attorney's fees, such fees shall be
496 established by the Probate Court Administrator and
497 paid from the Probate Court Administration Fund,
498 provided in no event shall the expenses be paid
499 for any one applicant for more than two hearings
500 in any one year, including the hearing provided
501 for in subsection (g) of section 17a-498. Such

502 court may, for reasonable cause shown, order any
503 person confined in a hospital for psychiatric
504 disabilities to be removed to any other hospital
505 for psychiatric disabilities in this state. If the
506 officers, directors or trustees of a state
507 hospital for psychiatric disabilities are notified
508 by the superintendent of such institution or other
509 person in a managerial capacity that he has reason
510 to believe that any person committed thereto by
511 order of a probate court does not have psychiatric
512 disabilities or IS NOT a suitable subject to be
513 confined in such institution, or is appropriate
514 for voluntary status, such officers, directors or
515 trustees may discharge such person or convert the
516 status of such person to voluntary status pursuant
517 to section 17a-506. The superintendent or other
518 director of such institution shall notify such
519 person's next of kin or close friend of such
520 person's discharge, provided such patient consents
521 in writing to such notification.

522 Sec. 17. Section 17a-541 of the general
523 statutes is repealed and the following is
524 substituted in lieu thereof:

525 No patient hospitalized or treated in any
526 public or private facility for the treatment of
527 persons with psychiatric disabilities shall be
528 deprived of any personal, property or civil
529 rights, including the right to vote, hold or
530 convey property, and [contract] ENTER INTO
531 CONTRACTS, except in accordance with due process
532 of law, and unless such patient has been declared
533 incapable pursuant to sections 45a-644 to 45a-662,
534 inclusive. Any finding of incapability shall
535 specifically state which civil or personal rights
536 the patient is incapable of exercising.

537 Sec. 18. Subsection (a) of section 19a-7b of
538 the general statutes is repealed and the following
539 is substituted in lieu thereof:

540 (a) There is established a Health Care Access
541 Commission, within the legislative department,
542 which shall be comprised of: The Commissioners of
543 Public Health and Social Services, the Insurance
544 Commissioner, the chairman of the Office of Health
545 Care Access, three members appointed by the
546 president pro tempore of the Senate, one of whom
547 shall be a member of the joint standing committee
548 of the General Assembly having cognizance of
549 matters relating to public health, one of whom

550 shall represent community health centers and one
551 of whom shall represent mental health services;
552 two members appointed by the majority leader of
553 the Senate one of whom shall represent commercial
554 insurance companies and one of whom shall
555 represent the disabled; three members appointed by
556 the minority leader of the Senate, one of whom
557 shall be a member of the joint standing committee
558 of the General Assembly having cognizance of
559 matters relating to appropriations and the budgets
560 of state agencies, one of whom shall represent
561 Blue Cross and Blue Shield of Connecticut, Inc.,
562 and one of whom shall represent small business;
563 three members appointed by the speaker of the
564 House of Representatives, one of whom shall be a
565 member of the joint standing committee of the
566 General Assembly having cognizance of matters
567 relating to human services, one of whom shall
568 represent consumers and one of whom shall
569 represent labor; two members appointed by the
570 majority leader of the House of Representatives
571 one of whom shall represent large business and one
572 of whom shall represent children; three members
573 appointed by the minority leader of the House of
574 Representatives, one of whom shall be a member of
575 the joint standing committee of the General
576 Assembly having cognizance of matters relating to
577 insurance, [and real estate,] one of whom shall
578 represent hospitals and one of whom shall be a
579 pediatric primary care physician. All members of
580 the commission may be represented by designees.

581 Sec. 19. Subdivision (6) of subsection (c) of
582 section 19a-88 of the general statutes is repealed
583 and the following is substituted in lieu thereof:

584 (6) Each person holding a license as a
585 physician assistant shall, annually, during the
586 month of his birth, register with the Department
587 of Public Health, upon payment of a fee of
588 seventy-five dollars, on blanks to be furnished by
589 the department for such purpose, giving his name
590 in full, his residence and business address and
591 such other information as the department requests.
592 No such license shall be renewed unless the
593 department is satisfied that the practitioner has
594 met the mandatory continuing medical education
595 requirements of the National Commission [for
596 Current Certification by said commission] ON
597 CERTIFICATION OF PHYSICIAN ASSISTANTS OR A

598 SUCCESSOR ORGANIZATION FOR THE CERTIFICATION OR
599 RECERTIFICATION OF PHYSICIAN ASSISTANTS THAT MAY
600 BE APPROVED BY THE DEPARTMENT and has passed any
601 examination or continued competency assessment the
602 passage of which may be required by said
603 commission for maintenance of current
604 certification by said commission.

605 Sec. 20. Subsection (c) of section 20-9 of
606 the general statutes is repealed and the following
607 is substituted in lieu thereof:

608 (c) This section shall not authorize anyone
609 to practice optometry as defined in chapter 380 or
610 to practice dentistry AS DEFINED IN CHAPTER 379 or
611 dental hygiene as defined in chapter [379] 379a.

612 Sec. 21. Section 20-112a of the general
613 statutes is repealed and the following is
614 substituted in lieu thereof:

615 A licensed dentist may delegate to dental
616 assistants such dental procedures as he may deem
617 advisable, but such procedures shall be performed
618 under his supervision and control and he shall
619 assume responsibility for such procedures;
620 provided such assistants may not engage in: (1)
621 Diagnosis for dental procedures or dental
622 treatment; (2) the cutting or removal of any hard
623 or soft tissue or suturing; (3) the prescribing of
624 drugs or medications which require the written or
625 oral order of a licensed dentist or physician; (4)
626 the administration of local, parenteral,
627 inhalation or general anesthetic agents in
628 connection with any dental operative procedure;
629 (5) the taking of any impression of the teeth or
630 jaws or the relationship of the teeth or jaws for
631 the purpose of fabricating any appliance or
632 prosthesis; (6) the placing, finishing and
633 adjustment of temporary or final restorations,
634 capping materials and cement bases; (7) the
635 practice of dental hygiene as defined in section
636 [20-111] 20-1261.

637 Sec. 22. Subsection (d) of section 20-162o of
638 the general statutes is repealed and the following
639 is substituted in lieu thereof:

640 (d) The department may, upon receipt of an
641 application for respiratory care licensure,
642 accompanied by the licensure application fee of
643 one hundred fifty dollars, issue a temporary
644 permit to a person who has completed an
645 educational program in respiratory care which

646 satisfies the requirements of subdivision (1) of
647 subsection (a) of this section. Such temporary
648 permit shall authorize the permittee to practice
649 as a respiratory care practitioner under the
650 supervision of a person licensed pursuant to this
651 section. Such practice shall be limited to those
652 settings where the licensed supervisor is
653 physically present on the premises and is
654 immediately available to render assistance and
655 supervision as needed, to the permittee. Such
656 temporary permit shall be valid from the date of
657 issuance of same until the date of issuance of the
658 results of the first examination administered
659 pursuant to subdivision [(1)] (2) of subsection
660 (a) of this section, following the permittee's
661 completion of said educational program in
662 respiratory care. Such permit shall remain valid
663 for each person who passes said examination until
664 the permittee receives their license from the
665 department. Such permit shall become void and
666 shall not be reissued in the event that the
667 permittee fails to pass said examination. No
668 permit shall be issued to any person who has
669 previously failed said examination or who is the
670 subject of an unresolved complaint or pending
671 professional disciplinary action. Violation of the
672 restrictions on practice set forth in this section
673 may constitute a basis for denial of licensure as
674 a respiratory care practitioner.

675 Sec. 23. Section 25-33n of the general
676 statutes is repealed and the following is
677 substituted in lieu thereof:

678 On or before the second Wednesday after the
679 convening of each regular session of the General
680 Assembly, the Commissioner of Public Health shall
681 submit a report to the joint standing committees
682 of the General Assembly having cognizance of
683 matters relating to the environment and [energy
684 and] public utilities, which describes the status
685 of, for the year ending the preceding June
686 thirtieth, the water planning process established
687 under sections 25-33g to 25-33j, inclusive, and
688 efforts to expedite the process.

689 Sec. 24. Subsection (c) of section 31-51o of
690 the general statutes is repealed and the following
691 is substituted in lieu thereof:

692 (c) Notwithstanding the provisions of this
693 section, any contractual agreement arrived at

694 through a collective bargaining process that
695 contains provisions requiring the employer to pay
696 for the continuation of existing group health
697 insurance for his affected employees in the event
698 of a [plant] relocation or closing OF A COVERED
699 ESTABLISHMENT shall supersede the requirements of
700 this section and, in the event of a conflict, the
701 contractual provisions shall be deemed to be
702 controlling.

703 Sec. 25. Subsection (c) of section 33-929 of
704 the general statutes, as amended by section 36 of
705 public act 97-246, is repealed and the following
706 is substituted in lieu thereof:

707 (c) When the Secretary of the State and his
708 successors in office have been appointed a foreign
709 corporation's registered agent, a foreign
710 corporation may be served by any proper officer or
711 other person lawfully empowered to make service by
712 leaving two true and attested copies thereof
713 together with the required fee at the office of
714 the Secretary of the State or depositing the same
715 in the United States mail, by registered or
716 certified mail, postage prepaid, addressed to
717 [such] SAID office. The Secretary of the State
718 shall file one copy of such process and keep a
719 record of the date and hour of such receipt. He
720 shall, within two business days after such
721 service, forward by registered or certified mail
722 the copy of such process to the corporation at the
723 address of its principal office as last shown on
724 his records.

725 Sec. 26. Subsection (c) of section 33-1219 of
726 the general statutes, as amended by section 79 of
727 public act 97-246, is repealed and the following
728 is substituted in lieu thereof:

729 (c) When the Secretary of the State and his
730 successors in office have been appointed a foreign
731 corporation's registered agent, a foreign
732 corporation may be served by any proper officer or
733 other person lawfully empowered to make service by
734 leaving two true and attested copies thereof
735 together with the required fee at the office of
736 the Secretary of the State or depositing the same
737 in the United States mail, by registered or
738 certified mail, postage prepaid, addressed to
739 [such] SAID office. The Secretary of the State
740 shall file one copy of such process and keep a
741 record of the date and hour of such receipt. He

742 shall, within two business days after such
743 service, forward by registered or certified mail
744 the copy of such process to the corporation at the
745 address of its principal office as last shown on
746 his records.

747 Sec. 27. Subsection (b) of section 34-38g of
748 the general statutes is repealed and the following
749 is substituted in lieu thereof:

750 (b) A foreign limited partnership's agent
751 upon whom process may be served shall be as
752 follows: When the Secretary of the State and his
753 successors have been appointed such limited
754 partnership's agent for service of process, by
755 leaving two true and attested copies thereof
756 together with the required fee at the office of
757 the Secretary of the State or depositing the same
758 in the United States mails, by registered or
759 certified mail, postage prepaid, addressed to
760 [such] SAID office. The Secretary of the State
761 shall file one copy of such process and keep a
762 record of the date and hour of such receipt, and,
763 within two business days after such service,
764 forward by registered or certified mail the other
765 copy of such process to the limited partnership at
766 the address of the office designated in the
767 certificate of registration filed pursuant to
768 section 34-38g, as last shown on his records.
769 Service so made shall be effective as of the date
770 and hour received by the Secretary of the State as
771 shown on his records. If it appears from the
772 records of the Secretary of the State that such a
773 foreign limited partnership has failed to appoint
774 or maintain a statutory agent for service, or if
775 it appears by affidavit attached to the process,
776 notice or demand of the officer or other proper
777 person directed to serve any process, notice or
778 demand upon such a foreign limited partnership's
779 statutory agent for service appearing on the
780 records of the Secretary of the State that such

769 Service so made shall be effective as of the date
770 and hour received by the Secretary of the State as
771 shown on his records.

790 [such] SAID office, and (2) depositing in the
791 United States mails, by registered or certified
792 mail, postage prepaid, a true and attested copy
793 thereof, together with a statement by such officer
794 that service is being made pursuant to this
795 section, addressed to such foreign limited
796 partnership at the address of the office
797 designated in the certificate of limited
798 partnership in the state of formation as shown on
799 the records of such state.

800 Sec. 28. Subsection (b) of section 34-105 of
801 the general statutes is repealed and the following
802 is substituted in lieu thereof:

803 (b) If it appears from the records of the
804 Secretary of the State that such a limited
805 liability company has failed to appoint or
806 maintain a statutory agent for service, or if it
807 appears by affidavit endorsed on the return of the
808 officer or other proper person directed to serve
809 any process, notice or demand upon such a limited
810 liability company's statutory agent for service
811 appearing on the records of the Secretary of the
812 State that such agent cannot, with reasonable
813 diligence, be found at the address shown on such
814 records as the agent's address, service of such
815 process, notice or demand on such limited
816 liability company may, when timely made, be made
817 by such officer or other proper person by: (1)
818 Leaving a true and attested copy thereof together
819 with the required fee at the office of the
820 Secretary of the State or depositing the same in
821 the United States mails, by registered or
822 certified mail, postage prepaid, addressed to
823 [such] SAID office, and (2) depositing in the
824 United States mails, by registered or certified
825 mail, postage prepaid, a true and attested copy
826 thereof, together with a statement by such officer
827 that service is being made pursuant to this
828 section, addressed to such limited liability
829 company at its principal office.

830 Sec. 29. Subsection (b) of section 34-225 of
831 the general statutes is repealed and the following
832 is substituted in lieu thereof:

833 (b) A foreign limited liability company's
834 agent upon whom process may be served shall be as
835 follows: When the Secretary of the State and his
836 successors have been appointed such limited
837 liability company's agent for service of process,

838 by leaving two true and attested copies thereof
839 together with the required fee at the office of
840 the Secretary of the State or depositing the same
841 in the United States mails, by registered or
842 certified mail, postage prepaid, addressed to
843 [such] SAID office. The Secretary of the State
844 shall file one copy of such process and keep a
845 record of the date and hour of such receipt, and,
846 within two business days after such service,
847 forward by registered or certified mail the other
848 copy of such process to the limited liability
849 company at the address of the office designated in
850 the application for registration filed pursuant to
851 section 34-223. Service so made shall be effective
852 as of the date and hour received by the Secretary
853 of the State as shown on his records. If it
854 appears from the records of the Secretary of the
855 State that such a foreign limited liability
856 company has failed to appoint or maintain a
857 statutory agent for service, or if it appears by
858 affidavit attached to the process, notice or
859 demand of the officer or other proper person
860 directed to serve any process, notice or demand
861 upon such a foreign limited liability company's
862 statutory agent for service appearing on the
863 records of the Secretary of the State that such
864 agent cannot, with reasonable diligence, be found,
865 service of such process, notice or demand on such
866 foreign limited liability company may, when timely
867 made, be made by such officer or other proper
868 person by: (1) Leaving a true and attested copy
869 thereof together with the required fee at the
870 office of the Secretary of the State or depositing
871 the same in the United States mails, by registered
872 or certified mail, postage prepaid, addressed to
873 [such] SAID office, and (2) depositing in the
874 United States mails, by registered or certified
875 mail, postage prepaid, a true and attested copy
876 thereof, together with a statement by such officer
877 that service is being made pursuant to this
878 section, addressed to such foreign limited
879 liability company at the address of the office
880 designated in the articles of organization in the
881 state of formation as shown on the records of such
882 state.

883 Sec. 30. Subsection (f) of section 38a-660 of
884 the general statutes is repealed and the following
885 is substituted in lieu thereof:

886 (f) Every applicant for a license must file
887 with the commissioner a notice of appointment
888 executed by an insurer or its authorized
889 representative authorizing such applicant to
890 execute undertakings of bail and to solicit and
891 negotiate such undertakings on its behalf. Each
892 appointment shall, by its terms, continue in force
893 until: (1) Termination of the surety bail bond
894 agent's license; or (2) the filing of a notice of
895 termination by the insurer [,] OR its
896 representative or by such surety bail bond agent.

897 Sec. 31. Subsection (j) of section 38a-660 of
898 the general statutes is repealed and the following
899 is substituted in lieu thereof:

900 (j) The commissioner may adopt regulations in
901 accordance with the provisions of chapter 54
902 relating to the approval of schools offering
903 courses in the duties and responsibilities [to] OF
904 surety bail bond agents, the content of such
905 courses and the advertising to the public of the
906 services of these schools.

907 Sec. 32. Subsection (n) of section 38a-660 of
908 the general statutes is repealed and the following
909 is substituted in lieu thereof:

910 (n) Any individual aggrieved by the action of
911 the commissioner in revoking, suspending or
912 refusing to reissue a license or in imposing a
913 fine or penalty may appeal therefrom, in
914 accordance with the provisions of section 4-183,
915 except venue for such appeal shall be in the
916 judicial district of Hartford-New Britain*.
917 Appeals under this section [and section 54-65a]
918 shall be privileged in respect to the order of
919 trial assignment.

920 Sec. 33. Subsection (c) of section 42a-5-116
921 of the general statutes is repealed and the
922 following is substituted in lieu thereof:

923 (c) Except as otherwise provided in this
924 subsection, the liability of an issuer, nominated
925 person or adviser is governed by any rules of
926 custom or practice, such as the Uniform Customs
927 and Practice for Documentary Credits, to which the
928 letter of credit, confirmation or other
929 undertaking is expressly made subject. If (i) this
930 article would govern the liability of an issuer,
931 nominated person or adviser under subsection (a)
932 or (b) of this section, (ii) the relevant
933 undertaking incorporates rules of custom or

934 practice, and (iii) there is conflict between this
935 article and those rules as applied to that
936 undertaking, those rules govern except to the
937 extent of any conflict with the nonvariable
938 provisions specified in SUBSECTION (c) OF section
939 42a-5-103.

940 Sec. 34. Subsection (b) of section 42a-5-117
941 of the general statutes is repealed and the
942 following is substituted in lieu thereof:

943 (b) An [application] APPLICANT that
944 reimburses an issuer is subrogated to the rights
945 of the issuer against any beneficiary, presenter
946 or nominated person to the same extent as if the
947 applicant were the secondary obligor of the
948 obligations owed to the issuer and has the rights
949 of subrogation of the issuer to the rights of the
950 beneficiary stated in subsection (a) of this
951 section.

952 Sec. 35. Section 42a-9-305 of the general
953 statutes is repealed and the following is
954 substituted in lieu thereof:

955 A security interest in [letters of credit and
956 advices of credit,] goods, instruments, other than
957 certificated securities, money, negotiable
958 documents or chattel paper may be perfected by the
959 secured party's taking possession of the
960 collateral. A security interest in the right to
961 proceeds of a written letter of credit may be
962 perfected by the secured party's taking possession
963 of the letter of credit. If such collateral other
964 than goods covered by a negotiable document is
965 held by a bailee, the secured party is deemed to
966 have possession from the time the bailee receives
967 notification of the secured party's interest. A
968 security interest is perfected by possession from
969 the time possession is taken without relation back
970 and continues only so long as possession is
971 retained, unless otherwise specified in this
972 article. The security interest may be otherwise
973 perfected as provided in this article before or
974 after the period of possession by the secured
975 party.

976 Sec. 36. Subsection (b) of section 45a-206 of
977 the general statutes is repealed and the following
978 is substituted in lieu thereof:

979 (b) Such corporation shall not act in such
980 capacity until it has appointed in writing the
981 Secretary of the State and his successors in

982 office to be its attorney, upon whom all process
983 in any action or proceeding against it may be
984 served in any action or proceeding relating to its
985 activities in such capacity. In such writing such
986 corporation shall agree that any process against
987 it which is served on [such secretary] THE
988 SECRETARY OF THE STATE shall be of the same legal
989 force and validity as if served on such
990 corporation, and that such appointment shall
991 continue so long as any liability on account of
992 such activities remains outstanding against the
993 corporation in this state.

994 Sec. 37. Subsection (h) of section 45a-717 of
995 the general statutes is repealed and the following
996 is substituted in lieu thereof:

997 (h) The court may waive the time requirement
998 in subparagraph (A) of subsection (g) of this
999 section if it finds from the totality of the
1000 circumstances surrounding the child that such a
1001 waiver is necessary to promote the best interest
1002 of the child. Abandonment of a child under the age
1003 of six months shall constitute prima facie
1004 evidence that a waiver is necessary to promote the
1005 best interest of the child, provided [(A)] (1) the
1006 parent has neither had nor initiated contact with
1007 the child or the guardian or caretaker of the
1008 child for at least sixty consecutive days and
1009 [(B)] (2) the whereabouts of the parent are
1010 unknown.

1011 Sec. 38. Subsection (e) of section 46b-129 of
1012 the general statutes is repealed and the following
1013 is substituted in lieu thereof:

1014 (e) Ninety days before the expiration of each
1015 twelve-month commitment made in accordance with
1016 the provisions of subsection (d) of this section
1017 and each extension made pursuant to the provisions
1018 of this subsection, the Commissioner of Children
1019 and Families shall petition the court either to
1020 (1) revoke such commitment, in accordance with the
1021 provisions of subsection (g) of this section, or
1022 (2) terminate parental rights in accordance with
1023 the provisions of section 17a-112, or (3) extend
1024 the commitment beyond such twelve-month period on
1025 the ground that an extension is in the best
1026 interest of the child. The court shall give notice
1027 to the parent, parents or guardian and to the
1028 child or youth at least fourteen days prior to the
1029 hearing on such petition. Upon finding that an

1030 extension is in the best interest of the child,
1031 the court may extend the commitment for a period
1032 of twelve months. At such hearing the court shall
1033 determine the appropriateness of continued efforts
1034 to [reunify] REUNITE the child or youth with his
1035 family. If the court finds that such efforts are
1036 not appropriate, the Department of Children and
1037 Families shall within sixty days of such finding
1038 either (A) file a petition for the termination of
1039 parental rights, (B) file a motion to revoke the
1040 commitment and vest the custody and guardianship
1041 of the child on a permanent or long-term basis in
1042 an appropriate individual or couple or (C) file a
1043 written permanency plan with the court for
1044 permanent or long-term foster care, which plan
1045 shall include an explanation of the reason that
1046 neither termination of parental rights nor custody
1047 and guardianship is appropriate for the child. The
1048 court shall promptly convene a hearing for the
1049 purpose of reviewing such written plan.

1050 Sec. 39. Subsection (c) of section 52-59b of
1051 the general statutes is repealed and the following
1052 is substituted in lieu thereof:

1053 (c) Any nonresident individual, or foreign
1054 partnership, or his or its executor or
1055 administrator, over whom a court may exercise
1056 personal jurisdiction, as provided in subsection
1057 (a), shall be deemed to have appointed the
1058 Secretary of the State as its attorney and to have
1059 agreed that any process in any civil action
1060 brought against the nonresident individual or
1061 foreign partnership, or his or its executor or
1062 administrator, may be served upon the Secretary of
1063 the State and shall have the same validity as if
1064 served upon the nonresident individual or foreign
1065 partnership personally. The process shall be
1066 served by the officer to whom the same is directed
1067 upon the secretary OF THE STATE by leaving with or
1068 at the office of the secretary OF THE STATE, at
1069 least twelve days before the return day of such
1070 process, a true and attested copy thereof, and by
1071 sending to the defendant at his last-known
1072 address, by registered or certified mail, postage
1073 prepaid, a like true and attested copy with an
1074 endorsement thereon of the service upon the
1075 secretary OF THE STATE. The officer serving such
1076 process upon the secretary OF THE STATE shall
1077 leave with the secretary OF THE STATE, at the time

1078 of service, a fee of twenty-five dollars, which
1079 fee shall be taxed in favor of the plaintiff in
1080 his costs if he prevails in any such action. The
1081 Secretary of the State shall keep a record of each
1082 such process and the day and hour of service.

1083 Sec. 40. Subsection (b) of section 52-434 of
1084 the general statutes, as amended by section 5 of
1085 public act 97-40, is repealed and the following is
1086 substituted in lieu thereof:

1087 (b) The Chief Justice may designate, from
1088 among the state referees, judge trial referees to
1089 whom criminal and civil cases and juvenile matters
1090 may be referred. Criminal cases and civil cases of
1091 an adversary nature shall be referred only to
1092 state referees who are designated as JUDGE trial
1093 referees. Juvenile matters shall be referred only
1094 to JUDGE trial referees who are specifically
1095 designated to hear juvenile cases. No such
1096 designation may be for a term of more than one
1097 year.

1098 Sec. 41. Section 53-344 of the general
1099 statutes is repealed and the following is
1100 substituted in lieu thereof:

1101 (a) Any person who sells, gives or delivers
1102 to any minor under eighteen years of age tobacco,
1103 unless the minor is delivering or accepting
1104 delivery in his capacity as an employee, in any
1105 form shall be fined not more than two hundred
1106 dollars for the first offense, NOT MORE THAN three
1107 hundred fifty dollars for a second offense within
1108 an eighteen-month period and not more than five
1109 hundred dollars for each subsequent offense within
1110 an eighteen-month period.

1111 (b) Any person [less than] UNDER eighteen
1112 years of age who purchases or misrepresents his
1113 age to purchase tobacco in any form shall be fined
1114 not more than fifty dollars for the first offense
1115 and not less than fifty dollars nor more than one
1116 hundred dollars for each subsequent offense.

1117 Sec. 42. Section 53a-110c of the general
1118 statutes is repealed and the following is
1119 substituted in lieu thereof:

1120 (a) A person is guilty of CRIMINAL violation
1121 of a standing criminal restraining order when an
1122 order issued pursuant to subsection (a) of section
1123 53a-40e has been issued against such person, and
1124 such person violates such order.

1125 (b) Criminal violation of a standing criminal
1126 restraining order is a class D felony.

1127 Sec. 43. Section 53a-161d of the general
1128 statutes is repealed and the following is
1129 substituted in lieu thereof:

1130 (a) A person is guilty of paying a kickback
1131 when he knowingly offers or pays any benefit, in
1132 cash or kind, to any person with intent to
1133 influence such person: (1) To refer an individual,
1134 or to arrange for the referral of an individual,
1135 for the furnishing of any [good] GOODS, facilities
1136 or services for which a claim for benefits or
1137 reimbursement has been filed with a local, state
1138 or federal agency; or (2) to purchase, lease,
1139 order or arrange for or recommend the purchasing,
1140 leasing or ordering of any goods, facilities or
1141 services for which a claim of benefits or
1142 reimbursement has been filed with a local, state
1143 or federal agency.

1144 (b) Paying a kickback is a class D felony.

1145 Sec. 44. Subsection (c) of section 54-33a of
1146 the general statutes is repealed and the following
1147 is substituted in lieu thereof:

1148 (c) A warrant may issue only on affidavit
1149 sworn to by the complainant or complainants before
1150 the judge and establishing the grounds for issuing
1151 the warrant, which affidavit shall be part of the
1152 arrest file. If the judge is satisfied that
1153 grounds for the application exist or that there is
1154 probable cause to believe that they exist, he
1155 shall issue a warrant identifying the property and
1156 naming or describing the person, place or thing to
1157 be searched. The warrant shall be directed to any
1158 police officer [or] OF a regularly organized
1159 police department or any state policeman or to a
1160 conservation officer, special conservation officer
1161 or patrolman acting pursuant to section 26-6. It
1162 shall state the grounds or probable cause for its
1163 issuance and it shall command the officer to
1164 search within a reasonable time the person, place
1165 or thing named, for the property specified.

1166 Sec. 45. Subsection (a) of section 54-102a of
1167 the general statutes is repealed and the following
1168 is substituted in lieu thereof:

1169 (a) The court before which is pending any
1170 case involving a violation of any provision of
1171 [this part] SECTIONS 53a-65 TO 53a-89, INCLUSIVE,
1172 may, before final disposition of such case, order

1173 the examination of the accused person to determine
1174 whether or not he is suffering from any venereal
1175 disease, unless the court from which such case has
1176 been transferred has ordered the examination of
1177 the accused person for such purpose, in which
1178 event the court to which such transfer is taken
1179 may determine that a further examination is
1180 unnecessary.

1181 Sec. 46. Subsection (c) of section 1 of
1182 public act 96-228 is repealed and the following is
1183 substituted in lieu thereof:

1184 (c) Every standing criminal restraining order
1185 of the court made in accordance with this section
1186 shall contain the following language: "This order
1187 shall remain in effect until modified or revoked
1188 by the court for good cause shown. In accordance
1189 with section [1] 2 of [this act] PUBLIC ACT
1190 96-228, violation of a standing criminal
1191 restraining order issued by the court pursuant to
1192 subsection (a) of this section, shall be
1193 punishable by a term of imprisonment of not less
1194 than one year nor more than five years, a fine of
1195 not more than five thousand dollars or both."

1196 Sec. 47. Subsection (c) of section 9-46a of
1197 the general statutes is repealed and the following
1198 is substituted in lieu thereof:

1199 (c) The Judicial Department, the Commissioner
1200 of Correction and the BOARD OF Parole [Board]
1201 shall establish procedures to inform those persons
1202 who have been convicted of a felony, have been
1203 under the jurisdiction of said department,
1204 commissioner or board and are eligible to have
1205 their electoral privileges restored pursuant to
1206 subsection (a) of this section, of the right and
1207 procedures to have such privileges restored.

1208 Sec. 48. Subsection (a) of section 5-202 of
1209 the general statutes is repealed and the following
1210 is substituted in lieu thereof:

1211 (a) Any employee who is not included in any
1212 collective bargaining unit of state employees and
1213 who has achieved a permanent appointment as
1214 defined in [subsection (r)] SUBDIVISION (19) of
1215 section 5-196 may appeal to the Employees' Review
1216 Board if he or she receives an unsatisfactory
1217 performance evaluation or is demoted, suspended or
1218 dismissed, or is aggrieved as a result of alleged
1219 discrimination, or unsafe or unhealthy working
1220 conditions or violations involving the

1221 interpretation and application of a specific state
1222 personnel statute, regulation or rule. Such
1223 employee must have complied with preliminary
1224 review procedures, except as otherwise provided in
1225 subsection (k) of this section. Such an appeal
1226 shall be submitted to the board within thirty days
1227 of the completion of the final level of the
1228 preliminary review procedure, provided the first
1229 level of the procedure shall have been initiated
1230 no later than thirty calendar days from the date
1231 of the alleged violation, except that in cases of
1232 dismissal, demotion or suspension the grievance
1233 must be submitted directly to the third level of
1234 the procedure and shall have been initiated no
1235 later than thirty calendar days from the effective
1236 date of such action.

1237 Sec. 49. Subsection (b) of section 14-36e of
1238 the general statutes is repealed and the following
1239 is substituted in lieu thereof:

1240 (b) Each local and regional board of
1241 education may provide a course of instruction in
1242 motor vehicle operation and highway safety on a
1243 secondary school level, which course shall consist
1244 of not less than thirty clock hours of classroom
1245 instruction offered during or after school hours
1246 as said board of education, in its discretion, may
1247 provide, and may include behind-the-wheel
1248 instruction of not less than [six] EIGHT clock
1249 hours. Said course shall be open to enrolment by
1250 any person between the ages of sixteen and
1251 eighteen, inclusive, who is a resident of the town
1252 or school district or whose parent, parents or
1253 legal guardian owns property taxable in such town
1254 or school district. Any such board of education
1255 may contract for such behind-the-wheel instruction
1256 with a licensed drivers' school.

1257 Sec. 50. Subsection (b) of section 14-39 of
1258 the general statutes is repealed and the following
1259 is substituted in lieu thereof:

1260 (b) Each such nonresident shall display on
1261 the motor vehicle he is operating the
1262 distinguishing number or mark required by the
1263 state or country within which the motor vehicle is
1264 registered. He shall conform to all provisions of
1265 the general statutes regarding equipment, marking
1266 and operation of motor vehicles registered in this
1267 state, except that the commissioner may enter into
1268 reciprocal agreements with the [Motor Vehicle]

1269 Commissioner OF MOTOR VEHICLES or other like
1270 authority of another state, district or country
1271 concerning the equipment, marking or inspection of
1272 motor vehicles and may grant privileges concerning
1273 noncompliance with Connecticut laws requiring
1274 certain equipment, marking and inspection of motor
1275 vehicles if substantially similar privileges are
1276 granted regarding the equipment, marking and
1277 inspection of Connecticut registered vehicles
1278 operating in that state, district or country.

1279 Sec. 51. Subsection (b) of section 14-49b of
1280 the general statutes is repealed and the following
1281 is substituted in lieu thereof:

1282 (b) The Commissioner of Environmental
1283 Protection, in consultation with the Commissioner
1284 of Motor Vehicles, shall annually, within ninety
1285 days prior to the beginning of the next ensuing
1286 fiscal year, submit to the Secretary of the Office
1287 of Policy and Management an annual operating
1288 budget for the federal Clean Air Act account,
1289 providing for the operation of programs to
1290 implement the federal Clean Air Act Amendments of
1291 1990, to the extent that the payment of such costs
1292 has not otherwise been adequately provided for.
1293 Such annual operating budget shall include an
1294 estimate of revenues from the fees and charges
1295 fixed by law, and from any and all other sources,
1296 to meet the estimated expenditures of the federal
1297 Clean Air Act [fund] ACCOUNT for such fiscal year.
1298 Within thirty days prior to the first day of such
1299 fiscal year the Secretary of the Office of Policy
1300 and Management shall approve said annual operating
1301 budget, with such changes, amendments, additions
1302 and deletions as shall be agreed upon prior to
1303 that date by the Commissioner of Environmental
1304 Protection and the Secretary of the Office of
1305 Policy and Management.

1306 Sec. 52. Subsection (a) of section 16a-49 of
1307 the general statutes is repealed and the following
1308 is substituted in lieu thereof:

1309 (a) The Department of Public Utility Control
1310 shall require each gas and electric public service
1311 company to implement a cost effective conservation
1312 and load management program consistent with
1313 integrated resource planning [principals]
1314 PRINCIPLES. As part of each conservation and load
1315 management program the department shall require
1316 specific programs to target the needs of

1317 manufacturers. The department shall allow the gas
1318 or electric public service company either: (1) To
1319 earn a return on prudently incurred multiyear
1320 conservation and load management expenditures on
1321 programs and measures approved by the department
1322 included in the company's rate base and
1323 successfully implemented by the company at a rate
1324 at least one percentage point but no more than
1325 five percentage points higher than such company's
1326 rate of return otherwise found to be reasonable;
1327 or (2) authorize a return of at least one
1328 percentage point but no more than five percentage
1329 points on the company's prudently incurred
1330 conservation and load management expenditures
1331 treated as operating costs on programs and
1332 measures approved by the department and
1333 successfully implemented by the company. For the
1334 purposes of this section "conservation and load
1335 management expenditures" shall include all prudent
1336 expenditures, approved by the department by gas or
1337 electric public service companies designed to
1338 conserve energy or manage gas or energy load.

1339 Sec. 53. Section 18-811 of the general
1340 statutes is repealed and the following is
1341 substituted in lieu thereof:

1342 The Department of Correction shall (1)
1343 require each applicant for a position that will
1344 involve direct contact with inmates to state
1345 whether such person has ever been convicted of a
1346 crime or whether criminal charges are pending
1347 against such person at the time of his
1348 application, and (2) require each applicant to
1349 submit to state and national criminal history
1350 records checks. The Department of Correction shall
1351 conduct a state criminal history records check for
1352 each applicant. Prior to employment, the
1353 Department of Correction shall arrange for the
1354 fingerprinting of each successful applicant and
1355 shall forward such fingerprints to the state
1356 POLICE Bureau of Identification which shall submit
1357 the fingerprints to the Federal Bureau of
1358 Investigation for a national criminal history
1359 records check. The department may charge each
1360 applicant a fee for the national criminal history
1361 records check which shall not exceed the fee
1362 charged by the Federal Bureau of Investigation for
1363 performing the check.

1364 Sec. 54. Section 20-195p of the general
1365 statutes is repealed and the following is
1366 substituted in lieu thereof:

1367 The commissioner may take any action set
1368 forth in section 19a-17 if the license holder
1369 fails to conform to the accepted standards of the
1370 social work profession, including, but not limited
1371 to, the following: Conviction of a felony; fraud
1372 or deceit in obtaining or seeking reinstatement of
1373 a license to practice clinical social work; fraud
1374 or deceit in the practice of social work;
1375 negligent, incompetent or wrongful conduct in
1376 professional activities; emotional disorder or
1377 mental illness; physical illness, including, but
1378 not limited to, deterioration through the aging
1379 process; abuse or excessive use of drugs,
1380 including alcohol, narcotics or chemicals; wilful
1381 falsification of entries in any hospital, patient
1382 or other record pertaining to social work;
1383 violation of any provision of this chapter or any
1384 regulation adopted hereunder. The Commissioner of
1385 Public Health may order a license holder to submit
1386 to a reasonable physical or mental examination if
1387 his physical or mental capacity to practice safely
1388 is the subject of an investigation. Said
1389 commissioner may petition the superior court for
1390 the judicial district of Hartford-New Britain* to
1391 enforce such order or any action taken pursuant to
1392 said section 19a-17. Notice of any contemplated
1393 action under said section 19a-17, of the cause
1394 [therefore] THEREFOR and the date of hearing
1395 thereon, shall be given and an opportunity for
1396 hearing afforded as provided in the regulations
1397 adopted by the commissioner.

1398 Sec. 55. Section 20-325f of the general
1399 statutes is repealed and the following is
1400 substituted in lieu thereof:

1401 No real estate broker shall make any
1402 unilateral offer of subagency or agree to
1403 compensate, appoint, employ, cooperate with or
1404 otherwise affiliate with a subagent for the sale
1405 or purchase of real property without the informed
1406 written consent of the person [for] whom the real
1407 estate broker represents. Such written consent
1408 shall contain the name and real estate license
1409 number of the real estate broker to be appointed
1410 as the subagent and shall contain a statement
1411 notifying the person [for] whom the real estate

1412 broker represents that the law imposes vicarious
1413 liability on the principal for the acts of the
1414 subagent.

1415 Sec. 56. Subsection (a) of section 20-325h of
1416 the general statutes is repealed and the following
1417 is substituted in lieu thereof:

1418 (a) After the termination of an agency
1419 relationship between a real estate licensee and a
1420 person [for] whom the real estate licensee
1421 represented, no real estate licensee shall: (1)
1422 Reveal confidential information concerning that
1423 person; (2) use confidential information
1424 concerning that person to the person's
1425 disadvantage; or (3) use confidential information
1426 concerning that person for the real estate
1427 broker's or real estate salesperson's advantage or
1428 the advantage of a third party, except as required
1429 by legal process, as necessary to defend the real
1430 estate broker or real estate salesperson from
1431 allegations of wrongful or negligent conduct, or
1432 as necessary to prevent the commission of a crime.

1433 Sec. 57. Subsection (b) of section 22a-133k
1434 of the general statutes is repealed and the
1435 following is substituted in lieu thereof:

1436 (b) The commissioner may establish, by
1437 regulations adopted in accordance WITH the
1438 provisions of chapter 54, a program for expediting
1439 the review and approval of reports on final
1440 remedial actions concerning sites subject to
1441 section 22a-134 or sites which, as of July 3,
1442 1989, were on the inventory of hazardous waste
1443 disposal sites maintained pursuant to section
1444 22a-133c provided such reports are not submitted
1445 pursuant to an order, consent order or stipulated
1446 judgment. The commissioner may retain consultants
1447 as necessary to accomplish such expedited review
1448 and may require the payment of a fee, as provided
1449 for in said regulations to cover the reasonable
1450 cost of performing the expedited review and
1451 approval of final remediation reports pursuant to
1452 this subsection, including the cost of any
1453 consultant retained by the commissioner to perform
1454 such work.

1455 Sec. 58. Subsection (b) of section 22a-285b
1456 of the general statutes is repealed and the
1457 following is substituted in lieu thereof:

1458 (b) Not more than one year after an
1459 application is filed with the commissioner under

1460 section 22a-208a for an ash residue disposal area
1461 authorized under section 22a-285a, the
1462 commissioner shall issue such permit or a written
1463 decision denying such permit. If the council has
1464 not approved an agreement or issued an arbitration
1465 award under the provisions of section [22a-286g]
1466 22a-285g, such period may be extended for thirty
1467 days after the arbitration award.

1468 Sec. 59. Subsection (e) of section 22a-477 of
1469 the general statutes is repealed and the following
1470 is substituted in lieu thereof:

1471 (e) Within the water pollution control state
1472 account there are established the following
1473 subaccounts: (1) A state bond receipts subaccount,
1474 into which shall be deposited the proceeds of
1475 notes, bonds [of] OR other obligations issued by
1476 the state for the purpose of deposit therein, (2)
1477 a General Fund receipts subaccount into which
1478 shall be deposited funds appropriated by the
1479 General Assembly for the purpose of deposit
1480 therein, (3) a state loan repayment subaccount
1481 into which shall be deposited payments received
1482 from any municipality in repayment of a project
1483 loan made from any moneys deposited in the water
1484 pollution control state account; (4) a state
1485 administrative and management subaccount into
1486 which shall be deposited amounts for
1487 administration and management of the Clean Water
1488 Fund which amounts shall be determined by the
1489 commissioner in consultation with the Secretary of
1490 the Office of Policy and Management; and (5) a
1491 state grant subaccount, into which shall be
1492 deposited (A) the proceeds of notes, bonds or
1493 other obligations issued by the state for the
1494 purposes of deposit therein; (B) funds
1495 appropriated by the General Assembly for the
1496 purpose of deposit therein and (C) payments
1497 received from a municipality in repayment of a
1498 grant account loan.

1499 Sec. 60. Article VI of section 27-38 of the
1500 general statutes is repealed and the following is
1501 substituted in lieu thereof:

1502 ARTICLE VI

1503 1. Whenever the military forces or any part
1504 thereof of any signatory state are engaged outside
1505 of their own state in carrying out the purposes of
1506 this compact, the individual members of such
1507 military forces so engaged shall not be liable,

1508 civilly or criminally, for any act or acts done by
1509 them in the performance of their duty.

1510 2. The individual members of such forces
1511 shall have the same powers, duties, rights,
1512 privileges and immunities as the members of the
1513 military forces of the state in which they are
1514 engaged, but in any event,

1515 3. Each signatory state shall save harmless
1516 any member of its military forces wherever serving
1517 and any member of the military forces of any other
1518 SIGNATORY STATE SERVING WITHIN ITS BORDERS FOR ANY
1519 ACT OR ACTS DONE BY THEM IN the performance of
1520 their duty while engaged in carrying out the
1521 purposes of this compact.

1522 Sec. 61. Subsections (b) and (c) of section
1523 27-108 of the general statutes are repealed and
1524 the following is substituted in lieu thereof:

1525 (b) Any veteran desiring care or treatment
1526 under the provisions of this chapter shall make
1527 application under oath to the commissioner OF
1528 VETERANS' AFFAIRS; but, if, by reason of his
1529 physical condition, he is unable to make such
1530 application, some other veteran may make such
1531 application in his behalf. Said commissioner, or
1532 his designee, shall have sole power to determine
1533 whether such veteran is entitled to admission to
1534 the home or to a hospital, and such veteran, if
1535 admitted, may, upon application to the
1536 commissioner, receive transportation at the
1537 expense of the state from his place of residence
1538 to the home or such hospital. No veteran so
1539 admitted shall be discharged from the home or
1540 hospital except upon the approval of the
1541 commissioner or his designee. The commissioner
1542 shall have sole power to remove any veteran whose
1543 care and treatment is paid for by the state from
1544 any hospital to another and shall appoint such
1545 agents as are necessary to see that veterans
1546 admitted to hospitals are receiving necessary
1547 food, clothing, care and treatment.

1548 (c) Such veterans who are able to pay in
1549 whole or in part for such program or services, as
1550 determined by the applicable fee schedule adopted
1551 pursuant to subsection [(c)] (d) of section
1552 27-1021, shall receive a monthly bill for such
1553 services rendered.

1554 Sec. 62. Section 27-119 of the general
1555 statutes, as amended by public act 97-150, is

1556 repealed and the following is substituted in lieu
1557 thereof:

1558 When the grave of any person who, in time of
1559 war, served in the military or naval forces of the
1560 English colonies in America, prior to 1776, or the
1561 grave of any veteran, which is located in this
1562 state, is unmarked by a suitable headstone, or is
1563 marked by a bronze marker erected by this state,
1564 the commissioner OF VETERANS' AFFAIRS shall, upon
1565 application made not later than two years after
1566 the death of such veteran or two years from the
1567 interment of the remains of such veteran from
1568 abroad, provide payment for the costs of erecting
1569 headstones provided by the federal government and
1570 shall furnish transportation costs, where none are
1571 provided, for said headstones from the nearest
1572 destination point to which the federal government
1573 will deliver such headstones, to the gravesite,
1574 provided such payment is requested not later than
1575 one year from the date of the approval of such
1576 application. The expense of transportation and the
1577 erection or installation of such headstone to an
1578 amount not exceeding an amount prescribed by the
1579 commissioner, shall be paid by the Comptroller.

1580 Sec. 63. Subsection (a) of section 29-109 of
1581 the general statutes is repealed and the following
1582 is substituted in lieu thereof:

1583 (a) No moving picture projector involving the
1584 use of a photographic film shall be operated in
1585 any public building or place of public assemblage
1586 or entertainment until such precautions as the
1587 Commissioner of Public Safety specifies have been
1588 taken against fire, panic or other personal
1589 hazards and [a certificate] CERTIFICATES of
1590 approval for such premises HAVE BEEN obtained from
1591 the commissioner specifying the number of persons
1592 that may be admitted to such premises or place at
1593 any one time. No moving picture film shall be used
1594 or exhibited in any premises or place mentioned
1595 herein unless such film, together with the
1596 projector and necessary accessories, is located in
1597 a room or area of such size, type and design as
1598 the commissioner specifies, and a certificate of
1599 approval has been obtained from the commissioner
1600 authorizing such use of such room or area. No
1601 person may store or use any moving picture film
1602 made of nitrocellulose or any other highly
1603 combustible material in a motion picture theater.

1604 Sec. 64. Subsection (a) of section 29-136 of
1605 the general statutes is repealed and the following
1606 is substituted in lieu thereof:

1607 (a) On receipt of [such] AN application FOR
1608 AN AMUSEMENT LICENSE, the commissioner OF PUBLIC
1609 SAFETY shall cause a full investigation and
1610 inspection of the location, equipment,
1611 paraphernalia, mechanical amusement rides and
1612 devices in respect to such amusement and all other
1613 matters relating thereto to be made and shall
1614 determine whether or not such amusement will be
1615 reasonably safe for public attendance and may make
1616 reasonable orders concerning alterations,
1617 additions or betterments to the equipment,
1618 paraphernalia, mechanical amusement rides and
1619 devices, and concerning the character and
1620 arrangement of the seating, means of egress,
1621 lighting, fire-fighting appliances, fire and
1622 police protection and such other provisions as
1623 shall make the amusement reasonably safe against
1624 both fire and casualty hazards.

1625 Sec. 65. Section 29-251 of the general
1626 statutes, as amended by section 4 of public act
1627 97-308, is repealed and the following is
1628 substituted in lieu thereof:

1629 There shall be within the Department of
1630 Public Safety a Codes and Standards Committee
1631 whose duty it shall be to work with the State
1632 Building Inspector in the enforcement of part Ia
1633 and the State Fire Marshal in the enforcement of
1634 part II of this chapter as set forth herein. The
1635 committee shall be composed of seventeen members,
1636 residents of the state, appointed by the
1637 Commissioner of Public Safety as follows: Two
1638 members shall be architects licensed in the state
1639 of Connecticut; three shall be professional
1640 engineers licensed in the state of Connecticut,
1641 two of whom shall practice either structural,
1642 mechanical or electrical engineering but in no
1643 event shall both of such members represent the
1644 same specialty and one of whom shall be a
1645 practicing fire protection engineer or mechanical
1646 engineer with extensive experience in fire
1647 protection; two shall be builders or
1648 superintendents of construction, one of whom shall
1649 have expertise in residential construction and one
1650 of whom shall have expertise in nonresidential
1651 construction; one shall be a public health

1652 official; two shall be building officials; two
1653 shall be local fire marshals; one shall be a
1654 Connecticut member of a national building trades
1655 labor organization; and four shall be public
1656 members, one of whom shall have expertise in
1657 matters relating to accessibility and use of
1658 facilities by the physically disabled and who
1659 shall be selected from a list of names submitted
1660 by the Office of Protection and Advocacy for
1661 Persons with Disabilities. Each member, other than
1662 the public members, shall have had not less than
1663 ten years' practical experience in his profession
1664 or business. The committee shall adopt [rules and
1665 regulations for procedure] REGULATIONS IN
1666 ACCORDANCE WITH THE PROVISIONS OF CHAPTER 54
1667 GOVERNING THE PROCEDURE OF THE COMMITTEE. Members
1668 who fail to attend three consecutive meetings or
1669 fifty per cent of all meetings during a calendar
1670 year shall be deemed to have resigned. It shall
1671 have power, within the limits of appropriations
1672 provided therefor, to employ such assistants as
1673 may be necessary to conduct its business.

1674 Sec. 66. Section 29-256 of the general
1675 statutes is repealed and the following is
1676 substituted in lieu thereof:

1677 In order to make the State Building Code and
1678 the State Fire Safety Code more responsive to
1679 present economic conditions, to promote reduction
1680 in the cost of construction of homes and other
1681 buildings, thereby creating more jobs in the
1682 construction industry and promoting home
1683 ownership, as well as to enable the citizens of
1684 the state to realize the benefits of the latest
1685 technology in energy conservation in the design
1686 and construction of homes and other buildings, the
1687 State Building Inspector and Codes and Standards
1688 Committee, in conjunction with the Commissioner of
1689 Public Safety, [and] shall thoroughly review and
1690 revise the State Building Code and the State Fire
1691 Safety Code, with an emphasis on performance
1692 rather than design specifications. In the course
1693 of such review, the State Building Inspector and
1694 the Codes and Standards Committee shall develop
1695 separate Building Code standards for the
1696 rehabilitation of buildings. Such separate
1697 standards shall be included in any revision of the
1698 State Building Code.

1699 Sec. 67. Subsection (b) of section 29-259 of
1700 the general statutes is repealed and the following
1701 is substituted in lieu thereof:

1702 (b) Any person, agent of the state,
1703 municipality or any other political subdivision of
1704 the state may apply to the State Building
1705 Inspector and the Codes and Standards Committee to
1706 modify or set aside standards for historic
1707 buildings incorporated in the State Building Code.
1708 The State Building Inspector shall, within seven
1709 days of receipt of any such application, forward a
1710 copy of such application to the director of
1711 [advocacy for the handicapped and developmentally
1712 disabled] THE OFFICE OF PROTECTION AND ADVOCACY
1713 FOR PERSONS WITH DISABILITIES and to the director
1714 of the Connecticut Historical Commission. Each of
1715 said directors shall, within thirty days of
1716 receipt, review such application and make such
1717 written recommendations as he deems appropriate to
1718 the State Building Inspector and the Codes and
1719 Standards Committee concerning the disposition of
1720 such application. The recommendations of such
1721 directors shall be part of the records and
1722 documents of the State Building Inspector
1723 concerning such application. The State Building
1724 Inspector and the Codes and Standards Committee
1725 shall consider such written recommendations when
1726 acting upon such application and may set aside or
1727 modify an individual standard or specification
1728 when they jointly determine that it would not be
1729 feasible or would unreasonably complicate the
1730 construction, alteration or repair in question and
1731 where alternative methods and materials have been
1732 proposed to maintain certain features. Such
1733 determination shall be in writing, shall state the
1734 reasons therefor and if it sets aside any such
1735 standard of specification, a copy of such
1736 determination shall be sent to each of said
1737 directors.

1738 Sec. 68. Section 29-270a of the general
1739 statutes is repealed and the following is
1740 substituted in lieu thereof:

1741 The owner of any enclosed shopping mall or
1742 retail business with more than fifty thousand
1743 square feet of floor space, shall install, in at
1744 least one of the primary entrances, doors that are
1745 automatically activated to provide access to
1746 persons with physical disabilities, provided the

1747 State Building Inspector may, with the concurrence
1748 of the director of [advocacy for the handicapped
1749 and the developmentally disabled] THE OFFICE OF
1750 PROTECTION AND ADVOCACY FOR PERSONS WITH
1751 DISABILITIES, grant an exemption from such
1752 requirement where strict compliance would entail
1753 practical difficulty or unnecessary hardship.
1754 Nothing in this section shall require the
1755 installation of an automatically activated door in
1756 a primary entrance which is open and unobstructed
1757 by any door during the hours the retail business
1758 is open to the public.

1759 Sec. 69. Section 29-271 of the general
1760 statutes is repealed and the following is
1761 substituted in lieu thereof:

1762 Any state-assisted rental housing or rental
1763 housing project constructed or substantially
1764 rehabilitated under a building permit issued on or
1765 after January 1, 1976, and which contains ten or
1766 more housing units shall have at least ten per
1767 cent of the units and all common use areas and
1768 facilities designed to promote safe and accessible
1769 means of entrance and egress and ease of access
1770 and use of facilities for the physically disabled,
1771 as defined in subsection (b) of section 1-1f,
1772 unless a waiver of such requirement is obtained
1773 from the Commissioner of Economic and Community
1774 Development as provided in this section. [The]
1775 SAID commissioner may, with the concurrence of the
1776 director of [advocacy for the handicapped and the
1777 developmentally disabled] THE OFFICE OF PROTECTION
1778 AND ADVOCACY FOR PERSONS WITH DISABILITIES, waive
1779 the requirement for such units for any
1780 state-financed rental housing project awarded
1781 state assistance under sections 8-124a and 8-216b,
1782 provided all requirements concerning the provision
1783 of housing units accessible to the physically
1784 disabled promulgated by the United States
1785 Department of Housing and Urban Development have
1786 been met. Physically disabled persons and families
1787 shall receive priority in placement in no less
1788 than ten per cent of the housing units constructed
1789 or substantially rehabilitated after January 1,
1790 1976.

1791 Sec. 70. Section 29-293 of the general
1792 statutes is repealed and the following is
1793 substituted in lieu thereof:

1794 [Said] THE FIRE SAFETY code shall specify
1795 reasonable minimum requirements for fire safety in
1796 new and existing buildings and facilities, and
1797 may, to ensure the reasonable safety of persons
1798 occupying or using any premises, open to the
1799 public, require the establishment of a fire zone
1800 for the orderly access to said premises of fire
1801 and other emergency equipment. Regulations may be
1802 in accordance with the size, type of construction
1803 and nature of use or occupancy of such buildings
1804 or facilities. No regulation made in accordance
1805 with sections 29-292 to 29-294, inclusive, shall
1806 be inconsistent with the provisions of the
1807 statutes.

1808 Sec. 71. Section 29-294 of the general
1809 statutes is repealed and the following is
1810 substituted in lieu thereof:

1811 [Said] THE FIRE SAFETY code and all
1812 amendments [thereto] TO SAID CODE shall be
1813 registered with the Secretary of the State and
1814 published in accordance with section 4-173, and,
1815 in addition, [thereto] a copy shall be provided TO
1816 each local fire marshal, fire chief and building
1817 inspector, and such other governmental officials
1818 as request [the same] SAID CODE.

1819 Sec. 72. Section 29-309 of the general
1820 statutes is repealed and the following is
1821 substituted in lieu thereof:

1822 The Codes and Standards Committee shall
1823 establish a procedure whereby any person
1824 determined to have the right to appeal may appeal
1825 a decision of the local fire marshal or State Fire
1826 Marshal relating to the enforcement of ANY
1827 PROVISION OF THE GENERAL statutes concerning fire
1828 prevention and safety or the State Fire Safety
1829 Code not more than thirty days after the receipt
1830 OF NOTICE OF THE DECISION by the person aggrieved
1831 by such decision. Such procedure shall include the
1832 committee and shall be established in accordance
1833 with THE PROVISIONS OF chapter 54. Any person
1834 aggrieved by a decision made in accordance with
1835 such procedure may appeal therefrom to the
1836 superior court for the judicial district wherein
1837 the premises concerned are located.

1838 Sec. 73. Section 32-90 of the general
1839 statutes is repealed and the following is
1840 substituted in lieu thereof:

1841 It is hereby found and declared as a matter
1842 of legislative determination that: (a) There is a
1843 serious need for the investment of private capital
1844 in business enterprises located in municipalities
1845 experiencing conditions of high unemployment,
1846 poverty, aging housing stock and low or declining
1847 rates of growth in job creation, population and
1848 per capita income; (b) high property tax rates and
1849 the unavailability or high cost of credit to
1850 business organizations have discouraged industrial
1851 activity in such municipalities and perpetuated
1852 prevailing patterns of economic and social stress;
1853 (c) private capital investment in the
1854 construction, renovation and expansion of
1855 manufacturing and other industrial facilities will
1856 best contribute to increasing employment and an
1857 expanding tax base in such municipalities and the
1858 development of a more productive and balanced
1859 economy in the state; and (d) the tax, grant and
1860 other financial incentives provided by
1861 subdivisions (59) and (60) of section 12-81 and
1862 sections 12-217e, 32-9p to 32-9s, inclusive,
1863 [32-23n] and 32-23p to encourage such private
1864 investment are important and necessary
1865 applications of the resources of the state in the
1866 exercise of its responsibility to preserve and
1867 foster the health, safety and general welfare of
1868 the state and its people. Accordingly the
1869 necessity, in the public interest and for the
1870 public benefit and good, of the provisions under
1871 said sections is hereby declared as a matter of
1872 legislative determination.

1873 Sec. 74. Section 32-9p of the general
1874 statutes is repealed and the following is
1875 substituted in lieu thereof:

1876 As used in subdivisions (59) and (60) of
1877 section 12-81 and sections 12-217e, 32-9p to
1878 32-9s, inclusive, [32-23n] and 32-23p, the
1879 following words and terms have the following
1880 meanings:

1881 (a) "Area of high unemployment" means, as of
1882 the date of any final and official determination
1883 by the authority or the department to extend
1884 assistance under said sections, any municipality
1885 which is a distressed municipality as defined in
1886 subsection (b) of this section, and any other
1887 municipality in the state which in the calendar
1888 year preceding such determination had a rate of

1889 unemployment which exceeded one hundred ten per
1890 cent of the average rate of unemployment in the
1891 state for the same calendar year, as determined by
1892 the Labor Department, provided no such other
1893 municipality with an unemployment rate of less
1894 than six per cent shall be an area of high
1895 unemployment.

1896 (b) "Distressed municipality" means, as of
1897 the date of the issuance of an eligibility
1898 certificate, any municipality in the state which,
1899 according to the United States Department of
1900 Housing and Urban Development meets the necessary
1901 number of quantitative physical and economic
1902 distress thresholds which are then applicable for
1903 eligibility for the urban development action grant
1904 program under the Housing and Community
1905 Development Act of 1977, as amended, or any town
1906 within which is located an unconsolidated city or
1907 borough which meets such distress thresholds. Any
1908 municipality which, at any time subsequent to July
1909 1, 1978, has met such thresholds but which at any
1910 time thereafter fails to meet such thresholds,
1911 according to said department, shall be deemed to
1912 be a distressed municipality for a period of five
1913 years subsequent to the date of the determination
1914 that such municipality fails to meet such
1915 thresholds, unless such municipality elects to
1916 terminate its designation as a "distressed
1917 municipality", by vote of its legislative body,
1918 not later than September 1, 1985, or not later
1919 than three months after receiving notification
1920 from the commissioner that it no longer meets such
1921 thresholds, whichever is later. In the event a
1922 distressed municipality elects to terminate its
1923 designation, the municipality shall notify the
1924 commissioner and the Secretary of the Office of
1925 Policy and Management in writing within thirty
1926 days. In the event that the commissioner
1927 determines that amendatory federal legislation or
1928 administrative regulation has materially changed
1929 the distress thresholds thereby established,
1930 "distressed municipality" shall mean any
1931 municipality in the state which meets comparable
1932 thresholds of distress which are then applicable
1933 in the areas of high unemployment and poverty,
1934 aging housing stock and low or declining rates of
1935 growth in job creation, population and per capita
1936 income as established by the commissioner,

1937 consistent with the purposes of subdivisions (59)
1938 and (60) of section 12-81 and sections 12-217e,
1939 32-9p to 32-9s, inclusive, [32-23n] and 32-23p, in
1940 regulations adopted in accordance with chapter 54.
1941 For purposes of sections 32-9p to 32-9s,
1942 inclusive, "distressed municipality" shall also
1943 mean any municipality adversely impacted by a
1944 major plant closing, relocation or layoff,
1945 provided the eligibility of a municipality shall
1946 not exceed two years from the date of such
1947 closing, relocation or layoff. The Commissioner of
1948 Economic and Community Development shall adopt
1949 regulations, in accordance with the provisions of
1950 chapter 54, which define what constitutes a "major
1951 plant closing, relocation or layoff" for purposes
1952 of sections 32-9p to 32-9s, inclusive. "Distressed
1953 municipality" shall also mean the portion of any
1954 municipality which is eligible for designation as
1955 an enterprise zone pursuant to subdivision (2) of
1956 subsection (b) of section 32-70.

1957 (c) "Eligibility certificate" means a
1958 certificate issued by the department pursuant to
1959 section 32-9r evidencing its determination that a
1960 facility for which an application for assistance
1961 has been submitted qualifies as a manufacturing
1962 facility and is eligible for assistance under
1963 section 12-217e and subdivisions (59) and (60) of
1964 section 12-81.

1965 (d) "Manufacturing facility" means any plant,
1966 building, other real property improvement, or part
1967 thereof, (1) which (A) is constructed or
1968 substantially renovated or expanded on or after
1969 July 1, 1978, in a distressed municipality, a
1970 targeted investment community as defined in
1971 section 32-222, or an enterprise zone designated
1972 pursuant to section 32-70, or (B) is acquired on
1973 or after July 1, 1978, in a distressed
1974 municipality, a targeted investment community as
1975 defined in section 32-222, or an enterprise zone
1976 designated pursuant to said section 32-70, by a
1977 business organization which is unrelated to and
1978 unaffiliated with the seller, after having been
1979 idle for at least one year prior to its
1980 acquisition and regardless of its previous use;
1981 (2) which is to be used for the manufacturing,
1982 processing or assembling of raw materials, parts
1983 or manufactured products, for research and
1984 development facilities directly related to

1985 manufacturing, for the significant servicing,
1986 overhauling or rebuilding of machinery and
1987 equipment for industrial use, or, except as
1988 provided in this subsection, for warehousing and
1989 distribution or, (i) if located in an enterprise
1990 zone designated pursuant to said section 32-70,
1991 which is to be used by an establishment, an
1992 auxiliary or an operating unit of an establishment
1993 as such terms are defined in the Standard
1994 Industrial Classification Manual, in the
1995 categories of depository institutions,
1996 nondepository credit institutions, insurance
1997 carriers, holding or other investment offices,
1998 business services, health services, fishing,
1999 hunting and trapping, motor freight transportation
2000 and warehousing, water transportation,
2001 transportation by air, transportation services,
2002 security and commodity brokers, dealers, exchanges
2003 and services, telemarketing or engineering,
2004 accounting, research, management and related
2005 services from the Standard Industrial
2006 Classification Manual, which establishment,
2007 auxiliary or operating unit shows a strong
2008 performance in exporting goods and services, as
2009 defined by the commissioner through regulations
2010 adopted under chapter 54 or (ii) if located in a
2011 municipality with an entertainment district
2012 designated under section 32-76 or established
2013 under section 2 of public act 93-311*, is to be
2014 used in the production of entertainment products,
2015 including multimedia products, or as part of the
2016 airing, display or provision of live entertainment
2017 for stage or broadcast, including support services
2018 such as set manufacturers, scenery makers, sound
2019 and video equipment providers and manufacturers,
2020 stage and screen writers, providers of capital for
2021 the entertainment industry and agents for talent,
2022 writers, producers and music properties and
2023 technological infrastructure support including,
2024 but not limited to, fiber optics, necessary to
2025 support multimedia and other entertainment
2026 formats, except entertainment provided by or shown
2027 at a gambling or gaming facility or a facility
2028 whose primary business is the sale or serving of
2029 alcoholic beverages; and (3) for which the
2030 department has issued an eligibility certificate
2031 in accordance with section 32-9r. In the case of
2032 facilities which are acquired, the department may

2033 waive the requirement of one year of idleness if
2034 it determines that, absent qualification as a
2035 manufacturing facility under subdivisions (59) and
2036 (60) of section 12-81, and sections 12-217e, 32-9p
2037 to 32-9s, inclusive, [32-23n] and 32-23p, there is
2038 a high likelihood that the facility will remain
2039 idle for one year. In the case of facilities
2040 located in an enterprise zone designated pursuant
2041 to said section 32-70, (i) the idleness
2042 requirement in subparagraph (B) of subdivision
2043 (1), for business organizations which over the six
2044 months preceding such acquisition have had an
2045 average total employment of between six and
2046 nineteen employees, inclusive, shall be reduced to
2047 a minimum of six months, and (ii) the idleness
2048 requirement shall not apply to business
2049 organizations with an average total employment of
2050 five or fewer employees, provided no more than one
2051 eligibility certificate shall be issued under this
2052 subparagraph (ii) for the same facility within a
2053 three-year period. Of those facilities which are
2054 for warehousing and distribution, only those which
2055 are newly constructed or which represent an
2056 expansion of an existing facility qualify as
2057 manufacturing facilities. In the event that only a
2058 portion of a plant is acquired, constructed,
2059 renovated or expanded, only the portion acquired,
2060 constructed, renovated or expanded constitutes the
2061 manufacturing facility. A manufacturing facility
2062 which is leased may for the purposes of
2063 subdivisions (59) and (60) of section 12-81 and
2064 sections 12-217e, 32-9p to 32-9s, inclusive,
2065 [32-23n] and 32-23p, be treated in the same manner
2066 as a facility which is acquired if the provisions
2067 of the lease serve to further the purposes of
2068 subdivisions (59) and (60) of section 12-81, and
2069 sections 12-217e, 32-9p to 32-9s, inclusive,
2070 [32-23n] and 32-23p and demonstrate a substantial,
2071 long-term commitment by the occupant to use the
2072 manufacturing facility, including a contract for
2073 lease for an initial minimum term of five years
2074 with provisions for the extension of the lease at
2075 the request of the lessee for an aggregate term
2076 which shall not be less than ten years, or the
2077 right of the lessee to purchase the facility at
2078 any time after the initial five-year term, or
2079 both. For a facility located in an enterprise zone
2080 designated pursuant to said section 32-70, and

2081 occupied by a business organization with an
2082 average total employment of ten or fewer employees
2083 over the six-month period preceding acquisition,
2084 such contract for lease may be for an initial
2085 minimum term of three years with provisions for
2086 the extension of the lease at the request of the
2087 lessee for an aggregate term which shall not be
2088 less than six years, or the right of the lessee to
2089 purchase the facility at any time after the
2090 initial three-year term, or both, and may also
2091 include the right for the lessee to relocate to
2092 other space within the same enterprise zone,
2093 provided such space is under the same ownership or
2094 control as the originally leased space or if such
2095 space is not under such same ownership or control
2096 as the originally leased space, permission to
2097 relocate is granted by the lessor of such
2098 originally leased space, and such relocation shall
2099 not extend the duration of benefits granted under
2100 the original eligibility certificate. Except as
2101 provided in subparagraph (B) above, a
2102 manufacturing facility does not include any plant,
2103 building, other real property improvement or part
2104 thereof used or usable for such purposes which
2105 existed before July 1, 1978.

2106 (e) "Service facility" means a manufacturing
2107 facility described in subparagraph (i) of
2108 subdivision (2) of subsection (d) of this section,
2109 provided such facility is located outside of an
2110 enterprise zone in a targeted investment
2111 community.

2112 (f) "Authority", "capital reserve fund bond",
2113 "commissioner", "department", "industrial project"
2114 and "insurance fund" shall have the meaning such
2115 words and terms are given in section 32-23d.

2116 (g) "Municipality" means any town, city or
2117 borough in the state.

2118 Sec. 75. Subsection (a) of section 32-511 of
2119 the general statutes is repealed and the following
2120 is substituted in lieu thereof:

2121 (a) There is established a Connecticut
2122 International Trade Council. The council shall
2123 consist of: (1) Six members appointed by the
2124 Governor, two of whom shall have expertise in the
2125 field of export financing; (2) (A) the
2126 chairpersons and ranking members of the joint
2127 standing committee of the General Assembly having
2128 cognizance of matters relating to the Department

2129 of Economic and Community Development, or (B)
2130 their designees, who may be members of the General
2131 Assembly; (3) one member appointed by the
2132 president pro tempore of the Senate, who shall
2133 have expertise in the field of export financing;
2134 (4) one member appointed by the majority leader of
2135 the Senate; (5) one member appointed by the
2136 minority leader of the Senate; (6) one member
2137 appointed by the speaker of the House of
2138 Representatives; (7) one member appointed by the
2139 majority leader of the House of Representatives;
2140 and (8) one member appointed by the minority
2141 leader of the House of Representatives, who shall
2142 have expertise in the field of export financing.
2143 All members of the council, except the members
2144 described in subparagraph (A) of subdivision (2)
2145 of this subsection, shall have expertise in the
2146 field of business or international trade. All
2147 appointments to the council shall be made within
2148 thirty days after July 1, 1994. The term of each
2149 appointed or designated member of the council
2150 shall be coterminous with the term of the
2151 appointing authority. The council shall elect a
2152 chairperson and a vice-chairperson from among its
2153 members. Any person absent from (A) three
2154 consecutive meetings of the council or (B) fifty
2155 per cent of such meetings during any calendar year
2156 shall be deemed to have resigned from the council,
2157 [effectively] EFFECTIVE immediately. Any vacancy
2158 on the council shall be filled by the appointing
2159 authority. Members of the council shall serve
2160 without compensation but shall, within the limits
2161 of available funds, be reimbursed for expenses
2162 necessarily incurred in the performance of their
2163 duties. The council shall meet as often as deemed
2164 necessary by the chairperson or a majority of the
2165 council.

2166 Sec. 76. Subsection (d) of section 38a-336a
2167 of the general statutes is repealed and the
2168 following is substituted in lieu thereof:

2169 (d) The selection of coverage under this
2170 section shall apply to all subsequent renewals of
2171 coverage and to all [policies] POLICIES or
2172 endorsements which extend, change, supersede or
2173 replace an existing policy issued to the named
2174 insured, unless changed in writing by any named
2175 insured.

2176 Sec. 77. Subsection (b) of section 38a-882 of
2177 the general statutes is repealed and the following
2178 is substituted in lieu thereof:

2179 (b) If, at any time, the amount deposited in
2180 the Brokered Transactions Guaranty Fund is under
2181 one hundred thousand dollars, the department, in
2182 its discretion, may assess all persons licensed as
2183 insurance producers a fee not to exceed ten
2184 dollars which shall be credited to [such] SAID
2185 guaranty fund.

2186 Sec. 78. Section 38a-883 of the general
2187 statutes is repealed and the following is
2188 substituted in lieu thereof:

2189 No application to recover compensation under
2190 sections 38a-880 to 38a-889, inclusive, which
2191 might subsequently result in an order for
2192 collection from [such] THE BROKERED TRANSACTIONS
2193 guaranty fund shall be brought later than two
2194 years from the action of an insurance producer
2195 duly licensed in this state under section 38a-769,
2196 or an unlicensed person acting as a producer
2197 engaged in the business of insurance, by reason of
2198 the embezzlement of money or property, or the
2199 unlawful obtainment of money or property from any
2200 person by false pretenses, artifice, trickery or
2201 forgery, or by reason of any fraud,
2202 misrepresentation or deceit by or on the part of
2203 any such producer or unlicensed person acting as a
2204 producer engaged in the business of insurance,
2205 excluding the failure in performance of
2206 contractual obligations due to the impairment of
2207 an insurer.

2208 Sec. 79. Subsection (a) of section 38a-884 of
2209 the general statutes is repealed and the following
2210 is substituted in lieu thereof:

2211 (a) Any person aggrieved under section
2212 38a-880 may apply to the Insurance Department for
2213 an order directing payment out of [such] THE
2214 BROKERED TRANSACTIONS guaranty fund subject to the
2215 limitations stated in said section and the
2216 limitations specified in this section.

2217 Sec. 80. Subsection (d) of section 38a-884 of
2218 the general statutes is repealed and the following
2219 is substituted in lieu thereof:

2220 (d) The payment from [such] SAID fund of any
2221 amount in settlement of a claim against a licensed
2222 insurance producer or an unlicensed person acting
2223 as a producer engaged in the business of insurance

2224 pursuant to an order under subsection (c), shall
2225 constitute cause for the suspension or revocation
2226 of any license issued by the commissioner or for
2227 the imposition of a fine pursuant to section
2228 38a-774 and for an order of restitution to the
2229 fund in the amount it has paid, and such producer
2230 or unlicensed person shall not be eligible to
2231 apply for a license until he has repaid in full,
2232 plus interest at a rate to be determined by the
2233 department and which shall reflect current market
2234 rates, the amount paid from [such] SAID guaranty
2235 fund on his account. A discharge in bankruptcy
2236 shall not relieve a person from the penalties and
2237 disabilities provided in this subsection.

2238 Sec. 81. Subsection (e) of section 38a-884 of
2239 the general statutes is repealed and the following
2240 is substituted in lieu thereof:

2241 (e) If, at any time, the money deposited in
2242 such guaranty fund is insufficient to satisfy any
2243 duly authorized claim or portion thereof, the
2244 department shall, when sufficient money has been
2245 deposited in [such] SAID guaranty fund, satisfy
2246 such unpaid claims or portions thereof, in the
2247 order that such claims or portions thereof were
2248 originally filed, plus accumulated interest at the
2249 rate of four per cent a year.

2250 Sec. 82. Section 38a-887 of the general
2251 statutes is repealed and the following is
2252 substituted in lieu thereof:

2253 When the commissioner has caused to be paid
2254 from [such] THE BROKERED TRANSACTIONS guaranty
2255 fund any sum to the aggrieved person, the
2256 department shall be subrogated to all of the
2257 rights of the aggrieved person up to the amount
2258 paid, and the aggrieved person shall assign all of
2259 his right, title and interest in the claim. By
2260 accepting payment from the guaranty fund the
2261 aggrieved person shall agree to cooperate with the
2262 department in any action it takes against the
2263 licensed insurance producer or unlicensed person
2264 acting as a producer engaged in the business of
2265 insurance. Any amount and interest recovered by
2266 the department shall be deposited to [such] SAID
2267 guaranty fund.

2268 Sec. 83. Subsection (f) of section 42-1331 of
2269 the general statutes is repealed and the following
2270 is substituted in lieu thereof:

2271 (f) No franchisor, directly or indirectly,
2272 through any officer, agent or employee, shall do
2273 any of the following: (1) Require a franchisee at
2274 the time of entering into an agreement to assent
2275 to a release, assignment, novation, waiver, or
2276 estoppel which would relieve any person from
2277 liability imposed by sections 42-133j to 42-133n,
2278 inclusive; (2) prohibit, directly or indirectly,
2279 the right of free association among franchisees
2280 for any lawful purpose; (3) prohibit the transfer
2281 by will of any franchise and the rights of any
2282 franchisee under any franchise agreement to a
2283 spouse or child of such franchisee; (4) require or
2284 prohibit any change in management of any franchise
2285 unless such requirement or prohibition of such
2286 change shall be for good cause, which cause shall
2287 be stated in writing by the franchisor; (5) impose
2288 unreasonable standards of performance upon a
2289 franchisee; (6) fail to deal in good faith with a
2290 franchisee; (7) sell, rent or offer to sell to a
2291 franchisee any product or service for more than a
2292 fair and reasonable price; (8) impose on a
2293 franchisee by contract, rule or regulation,
2294 whether written or oral, any standard of conduct
2295 unless the franchisor, his agents or
2296 representatives sustain the burden [or] OF proving
2297 such to be reasonable and necessary; (9)
2298 discriminate between franchisees in the charges
2299 offered or made for royalties, goods, services,
2300 equipment, rentals, advertising services, or in
2301 any other business dealing, unless (A) any such
2302 type of discrimination between franchisees would
2303 be necessary to allow a particular franchisee to
2304 fairly meet competition in the open market or (B)
2305 to the extent that the franchisor satisfies the
2306 burden of proving that any classification of or
2307 discrimination between franchisees is reasonable,
2308 is based on franchises granted at materially
2309 different times and such discrimination is
2310 reasonably related to such difference in time or
2311 on other proper and justifiable distinctions
2312 considering the purposes of sections 42-133j to
2313 42-133n, inclusive, and is not arbitrary. Nothing
2314 shall be construed under this subsection, however,
2315 as granting to any franchisor any right which may
2316 be limited by any other state or federal statutes;
2317 (10) notify the franchisee of a claimed breach of
2318 franchise agreement for good cause later than one

2319 hundred eighty days from the date said good cause
2320 arises or one hundred eighty days after the
2321 franchisor knew or in the exercise of reasonable
2322 care should have known of said claimed good cause.

2323 Sec. 84. Section 43-160 of the general
2324 statutes is repealed and the following is
2325 substituted in lieu thereof:

2326 No person shall assume the title licensed
2327 public weigher, or any title of similar import,
2328 perform the duties or acts to be performed by a
2329 licensed public weigher under this chapter, hold
2330 himself out as a licensed public weigher, issue
2331 any weight certificate ticket, memorandum or
2332 statement for which a fee is charged, or engage in
2333 the full-time or part-time business of public
2334 weighing, unless he [hold] HOLDS a valid license
2335 as a licensed public weigher. "Public weighing",
2336 as used in this section, shall mean the weighing
2337 for any person, upon request, of property,
2338 produce, commodities or articles other than those
2339 which the weigher or his employer, if any, is
2340 either buying or selling.

2341 Sec. 85. Subsection (e) of section 46a-83 of
2342 the general statutes is repealed and the following
2343 is substituted in lieu thereof:

2344 (e) If the investigator issues a finding of
2345 no reasonable cause or if the complaint is
2346 dismissed (1) for failure to state a claim for
2347 relief, (2) because it is frivolous on its face or
2348 (3) because there is no reasonable possibility
2349 that investigating the complaint will result in a
2350 finding [or] OF reasonable cause, the complainant
2351 may request reconsideration of such finding or
2352 dismissal with the commission not later than
2353 fifteen days from the issuance of such finding or
2354 dismissal. The commission shall reconsider or
2355 reject within ninety days of the issuance of such
2356 finding or dismissal. The commission shall conduct
2357 such additional proceedings as may be necessary to
2358 render a decision on the request for
2359 reconsideration.

2360 Sec. 86. Article X of section 46b-151a of the
2361 general statutes is repealed and the following is
2362 substituted in lieu thereof:

2363 ARTICLE X

2364 That the duly constituted administrative
2365 authorities of a state party to this compact may
2366 enter into supplementary agreements with any other

2367 state or states party hereto for the cooperative
2368 care, treatment and rehabilitation of delinquent
2369 juveniles whenever they shall find that such
2370 agreements will improve the facilities or programs
2371 available for such care, treatment and
2372 rehabilitation. Such care, treatment and
2373 rehabilitation may be provided in an institution
2374 located within any state entering into such
2375 supplementary agreement. Such supplementary
2376 agreements shall (1) provide the rates to be paid
2377 for the care, treatment and custody of such
2378 delinquent juveniles, taking into consideration
2379 the character of facilities, services and
2380 subsistence furnished; (2) provide that the
2381 delinquent juvenile shall be given a court HEARING
2382 PRIOR TO HIS BEING SENT TO ANOTHER STATE FOR CARE,
2383 TREATMENT AND custody; (3) provide that the state
2384 receiving such a delinquent juvenile in one of its
2385 institutions shall act solely as agent for the
2386 state sending such delinquent juvenile; (4)
2387 provide that the sending state shall at all times
2388 retain jurisdiction over delinquent juveniles sent
2389 to an institution in another state; (5) provide
2390 for reasonable inspection of such institutions by
2391 the sending state; (6) provide that the consent of
2392 the parent, guardian, person or agency entitled to
2393 the legal custody of said delinquent juvenile
2394 shall be secured prior to his being sent to
2395 another state; and (7) make provision for such
2396 other matters and details as shall be necessary to
2397 protect the rights and equities of such delinquent
2398 juveniles and of the cooperating states.

2399 Sec. 87. Subsection (a) of section 50a-61 of
2400 the general statutes is repealed and the following
2401 is substituted in lieu thereof:

2402 (a) For a foreign-money judgment, the United
2403 States dollar amount needed for the limited
2404 purpose of (1) the value of assets to be seized or
2405 restrained pursuant to a writ of attachment,
2406 garnishment, execution or other legal process, (2)
2407 the amount at issue for assessing costs, or (3)
2408 the amount involved for a required surety bond
2409 shall be determined as follows: The party seeking
2410 the writ, costs or bond shall compute the dollar
2411 amount of the foreign money claimed from a
2412 bank-offered spot rate of exchange prevailing at
2413 or near the close of business on the banking day
2414 next [proceeding] PRECEDING the filing of a

2415 request for the issuance of process or for the
2416 determination of costs, or an application
2417 requiring a bond.

2418 Sec. 88. Section 53a-161d of the general
2419 statutes is repealed and the following is
2420 substituted in lieu thereof:

2421 (a) A person is guilty of paying a kickback
2422 when he knowingly offers or pays any benefit, in
2423 cash or kind, to any person with intent to
2424 influence such person: (1) To refer an individual,
2425 or to arrange for the referral of an individual,
2426 for the furnishing of any [good] GOODS, facilities
2427 or services for which a claim for benefits or
2428 reimbursement has been filed with a local, state
2429 or federal agency; or (2) to purchase, lease,
2430 order or arrange for or recommend the purchasing,
2431 leasing or ordering of any goods, facilities or
2432 services for which a claim of benefits or
2433 reimbursement has been filed with a local, state
2434 or federal agency.

2435 (b) Paying a kickback is a class D felony.

2436 Sec. 89. Subsection (a) of section 54-82c of
2437 the general statutes is repealed and the following
2438 is substituted in lieu thereof:

2439 (a) Whenever a person has entered upon a term
2440 of imprisonment in a correctional institution of
2441 this state and, during the continuance of the term
2442 of imprisonment, there is pending in this state
2443 any untried indictment or information against such
2444 prisoner, he shall be brought to trial within one
2445 hundred twenty days after he has caused to be
2446 delivered, to the state's attorney or assistant
2447 state's attorney of the judicial district or
2448 geographical area, in which the indictment or
2449 information is pending, and to the appropriate
2450 court, written notice of the place of his
2451 imprisonment and his request for final disposition
2452 to be made of the indictment or information. For
2453 good cause shown in open court, the prisoner or
2454 his counsel being present, the court may grant any
2455 necessary or reasonable continuance. The request
2456 of the prisoner shall be accompanied by a
2457 certificate of the warden, community correctional
2458 center administrator or other official having
2459 custody of the prisoner, stating the term of
2460 commitment under which the prisoner is being held,
2461 the time already served, the time remaining to be
2462 served on the sentence, the amount of good time

2463 earned, the time of parole eligibility of the
2464 prisoner and any decisions of the [parole] board
2465 OF PAROLE relating to the prisoner.

2466 Sec. 90. Subsection (b) of section 54-142g of
2467 the general statutes is repealed and the following
2468 is substituted in lieu thereof:

2469 (b) "Criminal justice agency" means any court
2470 with criminal jurisdiction, the Department of
2471 Motor Vehicles, or any other governmental agency
2472 created by statute which is authorized by law and
2473 engages, in fact, as its principal function in
2474 activities constituting the administration of
2475 criminal justice; including but not limited to,
2476 organized municipal police departments, the
2477 Division of State Police, Department of
2478 Correction, Office of Adult Probation, Office of
2479 Policy and Management, state's attorneys,
2480 assistant state's attorneys, deputy assistant
2481 state's attorneys, [parole] board OF PAROLE,
2482 [pardon] board OF PARDONS, bail commissioners and
2483 Chief Medical Examiner. It shall also include any
2484 component of a public, noncriminal justice agency
2485 if such component is created by statute and is
2486 authorized by law and, in fact, engages in
2487 activities constituting the administration of
2488 criminal justice as its principal function.

2489 Sec. 91. Section 54-179 of the general
2490 statutes is repealed and the following is
2491 substituted in lieu thereof:

2492 (a) When the return to this state of a person
2493 charged with crime in this state is required, the
2494 state's attorney shall present to the Governor his
2495 written application for a requisition for the
2496 return of the person charged, in which application
2497 shall be stated the name of the person so charged,
2498 the crime charged against him, the approximate
2499 time, place and circumstances of its commission,
2500 the state in which he is believed to be, including
2501 the location of the accused therein, at the time
2502 the application is made and certifying that, in
2503 the opinion of the state's attorney, the ends of
2504 justice require the arrest and return of the
2505 accused to this state for trial and that the
2506 proceeding is not instituted to enforce a private
2507 claim.

2508 (b) When the return to this state is required
2509 of a person who has been convicted of a crime in
2510 this state and has escaped from confinement or

2511 broken the terms of his bail, probation or parole,
2512 the state's attorney of the county in which the
2513 offense was committed, the [Parole] Board OF
2514 PAROLE, or the Commissioner of Correction, shall
2515 present to the Governor a written application for
2516 a requisition for the return of such person, in
2517 which application shall be stated the name of the
2518 person, the crime of which he was convicted, the
2519 circumstances of his escape from confinement or of
2520 the breach of the terms of his bail, probation or
2521 parole and the state in which he is believed to
2522 be, including the location of the person therein
2523 at the time application is made.

2524 (c) The application shall be verified by
2525 affidavit, shall be executed in duplicate and
2526 shall be accompanied by two certified copies of
2527 the indictment returned, or information and
2528 affidavit filed, or of the complaint made to the
2529 judge, stating the offense with which the accused
2530 is charged, or of the judgment of conviction or of
2531 the sentence. The state's attorney, [Parole] Board
2532 OF PAROLE or Commissioner of Correction may also
2533 attach such further affidavits and other documents
2534 in duplicate as he deems proper to be submitted
2535 with such application. One copy of the
2536 application, with the action of the Governor
2537 indicated by endorsement thereon, and one of the
2538 certified copies of the indictment, complaint,
2539 information and affidavits or of the judgment of
2540 conviction or of the sentence, shall be filed in
2541 the office of the Secretary of the State, to
2542 remain of record in that office. The other copies
2543 of all papers shall be forwarded with the
2544 Governor's requisition.

2545 Sec. 92. Subsection (m) of section 8-113a of
2546 the general statutes is repealed and the following
2547 is substituted in lieu thereof:

2548 (m) "Elderly persons" means persons sixty-two
2549 years of age and over who lack the amount of
2550 income which is necessary, as determined by the
2551 authority or nonprofit corporation, subject to
2552 approval by the Commissioner of Economic and
2553 Community Development, to enable them to live in
2554 decent, safe and sanitary dwellings without
2555 financial assistance as provided under this part,
2556 or persons who have been certified by the Social
2557 Security Board as being totally disabled under the
2558 federal Social Security Act or certified by any

2559 other federal board or agency as being totally
2560 disabled, except persons (1) currently using
2561 illegal drugs, (2) currently abusing alcohol and
2562 who have a recent history of disruptive or
2563 dangerous behavior whose tenancy constitutes a
2564 direct threat to the health or safety of another
2565 individual or whose tenancy would result in
2566 substantial physical damage to the property of
2567 another or (3) with a recent history [or] OF
2568 disruptive or dangerous behavior whose tenancy
2569 would constitute a direct threat to the health
2570 [and] OR safety of another individual or whose
2571 tenancy would result in substantial physical
2572 damage to the property of another.

2573 Sec. 93. Section 13a-24 of the general
2574 statutes, as amended by section 5 of public act
2575 97-62, is repealed and the following is
2576 substituted in lieu thereof:

2577 Nothing contained in this part [,] shall be
2578 construed to limit, restrict or derogate from any
2579 power, right or authority of the commissioner
2580 existing under or pursuant to any other act of the
2581 General Assembly.

2582 Sec. 94. Section 17a-7 of the general
2583 statutes is repealed and the following is
2584 substituted in lieu thereof:

2585 Except as otherwise limited by subsection
2586 [(e)] (i) of section 46b-140 and subsection (a) of
2587 section 46b-141, the Commissioner of Children and
2588 Families or his designee may, when deemed in the
2589 best interests of a child committed to the custody
2590 of the commissioner as delinquent by the Superior
2591 Court, place such child on parole under such terms
2592 or conditions as the commissioner or his designee
2593 deem to be in the best interests of such child.
2594 When in the opinion of the commissioner or his
2595 designee it is no longer in the best interest of
2596 such child to remain on parole such child may be
2597 returned to any institution, resource or facility
2598 administered by or available to the Department of
2599 Children and Families.

2600 Sec. 95. Subsection (i) of section 46b-140 of
2601 the general statutes is repealed and the following
2602 is substituted in lieu thereof:

2603 (i) [(1)] If the delinquent act for which the
2604 child is committed to the Department of Children
2605 and Families is a serious juvenile offense, the
2606 court may set a period of time during which the

2607 Department of Children and Families shall place
2608 such child out of his town of residence at the
2609 commencement of such child's commitment.

2610 [(2)] The setting of any such time [periods]
2611 PERIOD shall be in the form of an order of the
2612 court included in the mittimus. For good cause
2613 shown in the form of an affidavit annexed thereto,
2614 the Department of Children and Families, the
2615 parent or guardian of the child or the child may
2616 petition the court for temporary modification of
2617 any such order not to extend or reduce the term of
2618 such placement.

2619 Sec. 96. Subsection (b) of section 19a-87b of
2620 the general statutes, as amended by section 36 of
2621 public act 97-259, is repealed and the following
2622 is substituted in lieu thereof:

2623 (b) On and after October 1, 1997, the
2624 Commissioner of Public Health, within available
2625 appropriations, shall request a criminal records
2626 check of each initial applicant or prospective
2627 employee of a family day care home in a position
2628 requiring the provision of care to a child. Such
2629 criminal records check shall be [required]
2630 REQUESTED from the State Police Bureau of
2631 Identification and the Federal Bureau of
2632 Investigation. The commissioner shall also request
2633 a check of the state child abuse registry
2634 established pursuant to section 17a-101k. A fee
2635 shall be charged by the commissioner for each such
2636 national criminal history records check which
2637 shall be equal to the fee charged by the Federal
2638 Bureau of Investigation for performing such check.
2639 The Department of Public Health shall reimburse
2640 the Department of Public Safety for the actual
2641 cost for a national criminal history records
2642 check. Not more than three months after the
2643 effective date of [this act] PUBLIC ACT 97-259,
2644 the commissioner shall notify each licensee of the
2645 provisions of this subsection.

2646 Sec. 97. This act shall take effect from its
2647 passage, except that section 16 shall take effect
2648 July 1, 1998.

2649 STATEMENT OF LEGISLATIVE COMMISSIONERS: The
2650 effective date for section 96 was changed to
2651 passage for accuracy.

2652 JUD COMMITTEE VOTE: YEA 35 NAY 0 JFS-LCO

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5467

STATE IMPACT None, see explanation below
 MUNICIPAL IMPACT None
 STATE AGENCY(S) Various

EXPLANATION OF ESTIMATES:

This bill makes technical changes to various statutes that will result in no fiscal impact.

* * * * *

OLR BILL ANALYSIS

sHB 5467

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND TO CERTAIN PUBLIC AND SPECIAL ACTS

SUMMARY: This bill specifies that the court's authority to order defendants tested for venereal disease applies when their cases involve violations of any of the sexual assault or prostitution offenses.

It also specifies that the procedural rules and regulations the Department of Public Safety's Codes and Standards Committee is required to adopt must be promulgated in accordance with the Uniform Administrative Procedures Act. The committee acts jointly with the state building inspector and state fire marshal to adopt and administer the state building and fire codes. The bill also makes numerous technical changes.

EFFECTIVE DATE: Upon passage, except for a technical change to a statute concerning the authority of state hospitals for psychiatric disabilities to discharge or convert to voluntary status a committed person that becomes effective July 1, 1998 also takes effect on that date.

BACKGROUND

Related Court Authority

By law, the court may order defendants tested for HIV when their cases concern violations of any of the sexual assault or prostitution offenses or the risk of injury to a minor offense involving a sexual act.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 35 Nay 0