



House Bill No. 6650

Public Act No. 11-51

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS.

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

Section 1. Section 51-289 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Public Defender Services Commission which shall consist of seven members appointed as follows:

(1) The Chief Justice shall appoint two judges of the Superior Court, or a judge of the Superior Court and any one of the following: A retired judge of the Superior Court, a former judge of the Superior Court, a retired judge of the Circuit Court, or a retired judge of the Court of Common Pleas;

(2) ~~the~~ The speaker of the House, the president pro tempore of the Senate, the minority leader of the House and the minority leader of the Senate shall each appoint one member; and

(3) ~~the~~ The Governor shall appoint a chairman.

(b) The chairman shall serve for a three-year term and all appointments of members to replace those whose terms expire shall be for terms of three years.

(c) ~~No~~ Not more than three of the members, other than the chairman, may be members of the same political party. Of the four nonjudicial members, other than the chairman, at least two shall not be members of the bar of any state.

(d) If any vacancy occurs on the commission, the appointing authority having the power to make the initial appointment under the provisions of this chapter shall appoint a person for the unexpired term in accordance with the provisions of this chapter.

(e) Members shall serve without compensation but shall be reimbursed for actual expenses incurred while engaged in the duties of the commission. Members of ~~this~~ the commission

shall not be employed or nominated to serve as public defenders or in any other position created under this chapter.

(f) The commission may adopt such rules as it deems necessary for the conduct of its internal affairs.

(g) The commission shall be responsible for carrying out the purposes of this chapter and, to carry out those purposes, ~~it~~ [the commission](#) shall adopt rules relating to the operations of a Division of Public Defender Services and shall provide any facilities, other than those provided in the courts by the Judicial Department, necessary for the carrying out of those services. [Such rules shall include, but need not be limited to, Income and Eligibility Guidelines for the representation of indigent individuals.](#)

[\(h\)](#) Public defender services shall consist of those duties carried out by Superior Court and Court of Common Pleas public defenders prior to July 1, 1978, [those duties carried out by the Commission on Child Protection and the Chief Child Protection Attorney prior to July 1, 2011](#), and those responsibilities provided for by this chapter [and section 4 of this act](#). Public defender services shall be executed by a Chief Public Defender, a deputy chief public defender, public defenders, assistant public defenders, deputy assistant public defenders, investigators and other personnel which the commission deems necessary.

[\(i\)](#) [The Public Defender Services Commission shall constitute a successor to the Commission on Child Protection. All functions, powers and duties of the Commission on Child Protection are transferred to the Public Defender Services Commission in accordance with sections 4-38d, 4-38e and 4-39.](#)

~~(h)~~ [\(j\)](#) The Judicial Department shall provide adequate facilities for public defenders, assistant public defenders and deputy assistant public defenders in the various courts.

~~(i)~~ [\(k\)](#) The commission shall establish a compensation plan comparable to that established for the Division of Criminal Justice in chapter 886, as it may be amended, and shall make rules ~~relative~~ [relating](#) to employees serving under ~~the~~ [this](#) chapter, including [rules relating to](#) sick leave and vacation time.

~~(j)~~ [\(l\)](#) The commission shall be an autonomous body within the Judicial Department for fiscal and budgetary purposes only.

Sec. 2. Section 51-291 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Chief Public Defender shall:

(1) Direct and supervise the work of the Deputy Chief Public Defender and all public defenders, assistant public defenders, deputy assistant public defenders and other personnel appointed pursuant to this chapter [and section 4 of this act](#); and ~~he~~ [the Chief Public Defender](#) and the Deputy Chief Public Defender may participate in the trial of criminal actions.

- (2) Submit to the commission, prior to December thirty-first of each year, a report which shall include all pertinent data on the operation of the Division of Public Defender Services, the costs, projected needs, and recommendations for statutory changes, including changes in the civil and criminal law, and changes in court rules, which may be appropriate to the improvement of the system of criminal justice, the rehabilitation of offenders, [the representation of children and parents or guardians in child protection and family relations matters](#) and other related objectives. Prior to February first of the following year, the commission shall submit the report along with such recommendations, comments, conclusions or other pertinent information it chooses to make, to the Chief Justice, the Governor and the members of the [joint standing committee \[on\] of the General Assembly having cognizance of matters relating to the judiciary. \[of the General Assembly. \]](#) The reports shall be public records, shall be maintained in the office of the Chief Public Defender and shall be otherwise distributed as the commission shall direct.
- (3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as [\[he\] the Chief Public Defender](#) deems reasonably necessary for the efficient operation and discharge of the duties of public defender services under this chapter [and section 4 of this act](#), subject to the personnel policies and compensation plan established by the commission.
- (4) Administer, coordinate and control the operations of [public](#) defender services and be responsible for the overall supervision and direction of all personnel, offices, divisions and facilities of the Division of Public Defender Services.
- (5) Develop programs and administer activities to achieve the purposes of this chapter [and section 4 of this act](#).
- (6) At [\[his\] the discretion of the Chief Public Defender](#), consult and cooperate with professional bodies and groups concerning the causes of criminal conduct, means for reducing the commission of crimes, the rehabilitation and correction of those convicted of crimes, and the improvement of the administration and conduct of public defender services.
- (7) Keep and maintain proper financial records with respect to the providing of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of public defender services.
- (8) Supervise the training of all public defenders, assistant public defenders, deputy assistant public defenders, [Division of Public Defender Services assigned counsel](#) and other personnel and establish such training courses as shall be appropriate.
- (9) Promulgate necessary rules, regulations and instructions, consistent with this chapter [and section 4 of this act](#), defining the organization of his office and the responsibilities of public defenders, assistant public defenders, deputy assistant public defenders and other personnel.
- (10) With the approval of the commission, apply for and accept on behalf of the Division of Public Defender Services [,] any funds [\[which\] that](#) may be offered or [\[which\] that](#) may

become available from government grants, private gifts, donations or bequests, or from any other source, and with the approval of the commission expend the funds to carry out the purposes of this chapter [and section 4 of this act](#).

(11) Maintain one or more lists of trial lawyers who may be available to represent persons in habeas corpus proceedings arising from criminal matters, or to represent juveniles in delinquency matters before the court, [or to represent parents or guardians and children in child protection and family relations matters pursuant to subsection \(c\) of section 51-296, as amended by this act](#), or to represent persons in other appropriate matters on a case by case basis, as needed, which lawyers shall be selected by a judge of the court before which the matter is to be heard.

(12) Establish compensation for lawyers selected under subdivision (11) of this section for their services with the approval of the commission, to be paid from the budget of the Public Defender Services Commission.

(13) Prepare and submit to the commission estimates of appropriations necessary for the maintenance and operation of public defender services, and make recommendations with respect thereto; and with the approval of the commission, and after such modification as the commission directs, submit the budget requests to the Governor.

Sec. 3. Section 51-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) In any criminal action, in any habeas corpus proceeding arising from a criminal matter, in any extradition proceeding, or in any delinquency matter, the court before which the matter is pending shall, if it determines after investigation by the public defender or his office that a defendant is indigent as defined under this chapter, designate a public defender, assistant public defender or deputy assistant public defender to represent such indigent defendant, unless, in a misdemeanor case, at the time of the application for appointment of counsel, the court decides to dispose of the pending charge without subjecting the defendant to a sentence involving immediate incarceration or a suspended sentence of incarceration with a period of probation or the court believes that the disposition of the pending case at a later date will not result in a sentence involving immediate incarceration or a suspended sentence of incarceration with a period of probation and makes a statement to that effect on the record. If it appears to the court at a later date that, if convicted, the sentence of an indigent defendant for whom counsel has not been appointed will involve immediate incarceration or a suspended sentence of incarceration with a period of probation, counsel shall be appointed prior to trial or the entry of a plea of guilty or nolo contendere.

(b) In the case of codefendants, the court may appoint one or more public defenders, assistant public defenders or deputy assistant public defenders to represent such defendants or may appoint counsel from the trial list established under section 51-291, [as amended by this act](#).

[\(c\) \(1\) The division shall provide, pursuant to section 4 of this act: \(A\) Legal services and guardians ad litem to children, youths and indigent respondents in family relations matters in](#)

which the state has been ordered to pay the cost of such legal services and guardians ad litem, provided legal services shall be provided to indigent respondents pursuant to this subparagraph only in paternity proceedings and contempt proceedings; and (B) legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters. To carry out the requirements of this subsection, the office of Chief Public Defender may contract with (i) appropriate not-for-profit legal services agencies, (ii) individual lawyers or law firms for the delivery of legal services to represent children and indigent legal parties in such proceedings, and (iii) mental health professionals as guardians ad litem in family relations matters. Any contract entered into pursuant to this subsection may include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation.

(2) The division shall establish a system to ensure that attorneys providing legal services pursuant to this subsection are assigned to cases in a manner that will avoid conflicts of interest, as defined by the Rules of Professional Conduct.

(3) The division shall establish training, practice and caseload standards for the representation of children, youths, indigent respondents and indigent legal parties pursuant to subdivision (1) of this subsection. Such standards shall apply to each attorney who represents children, youths, indigent respondents or indigent legal parties pursuant to this subsection and shall be designed to ensure a high quality of legal representation. The training standards for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence.

[(c)] (d) Prior to [a defendant's] the appearance in court in any matter specified in [subsection (a) of] this section by a defendant, child, youth, respondent or legal party, a public defender, assistant public defender, [or] deputy assistant public defender or Division of Public Defender Services assigned counsel, upon a determination that the defendant, child, youth, respondent or legal party is indigent pursuant to subsection (a) of section 51-297, as amended by this act, shall be authorized to represent the defendant, child, youth, respondent or legal party until the court appoints counsel for such defendant, child, youth, respondent or legal party.

Sec. 4. (NEW) (*Effective July 1, 2011*) (a) The judicial authority before whom a family relations matter described in subparagraph (A) of subdivision (1) of subsection (c) of section 51-296 of the general statutes, as amended by this act, is pending shall determine eligibility for counsel for a child or youth and the parents or guardian of a child or youth if they are unable to afford counsel. Upon a finding that a party is unable to afford counsel, the judicial authority shall appoint an attorney to provide representation from a list of qualified attorneys provided by the office of Chief Public Defender.

(b) The judicial authority before whom a juvenile matter described in subparagraph (B) of subdivision (1) of subsection (c) of section 51-296 of the general statutes, as amended by this act, is pending shall notify the office of Chief Public Defender who shall assign an attorney to represent the child or youth. The judicial authority shall determine eligibility for counsel for

the parents or guardian of the child or youth if such parents or guardian is unable to afford counsel. Upon a finding that such parents or guardian is unable to afford counsel, the judicial authority shall notify the office of Chief Public Defender of such finding, and the office of Chief Public Defender shall assign an attorney to provide representation.

(c) For the purposes of determining eligibility for appointment of counsel pursuant to subsection (a) or (b) of this section, the judicial authority shall cause the parents or guardian of a child or youth to complete a written statement under oath or affirmation setting forth the parents' or guardian's liabilities and assets, income and sources thereof, and such other information as the Public Defender Services Commission designates and requires on forms adopted by the commission.

(d) The payment of any attorney who was appointed prior to July 1, 2011, to represent a child or indigent parent in any case described in subparagraph (A) of subdivision (1) of subsection (c) of section 51-296 of the general statutes, as amended by this act, who continues to represent such child or parent on or after July 1, 2011, shall be processed through the office of Chief Public Defender and paid at the rate that was in effect at the time of such appointment.

Sec. 5. Section 51-293 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) (1) The commission shall appoint a public defender for each judicial district and a public defender who shall handle appellate matters and provide legal support services to public defender offices, each of whom shall serve as public defender in the Superior Court and as many assistant public defenders and deputy assistant public defenders for the Superior Court as the criminal or delinquency business of the court may require. (2) This section shall not prevent a judge of the Superior Court from appointing a **[special assistant public defender]** [Division of Public Defender Services assigned counsel](#) on a contractual basis for a temporary period of time in an appropriate case, whose expenses and compensation shall be paid from the budget of the Public Defender Services Commission and in accordance with the rates of compensation approved by the commission pursuant to subdivision (12) of section 51-291, [as amended by this act](#). Whenever possible, any such appointment shall be made from a list of attorneys provided by the commission and submitted to the court by the office of **[the]** Chief Public Defender. Subsequent to an attorney's appointment as a **[special assistant public defender]** [Division of Public Defender Services assigned counsel](#), the attorney may not solicit or accept from or on behalf of his or her client any money or article of value of any kind either as a fee for services performed or to be performed or as payment for costs or expenses incurred or to be incurred. (3) At the direction of the Chief Public Defender, any Superior Court public defender, assistant public defender, deputy assistant public defender or other person employed by the Division of Public Defender Services may be required to act in such capacity in another judicial district or geographical area when the demands of criminal business or delinquency proceedings necessitate it.

(b) The commission shall appoint, on recommendation of the Chief Public Defender, and fix the compensation of, all other personnel necessary to the operation of the Division of Public Defender Services.

- (c) The term of office for public defenders, assistant public defenders and deputy assistant public defenders shall be for four years and until the appointment and qualification of their successors. Any vacancy in the office of public defender, assistant public defender or deputy assistant public defender may be filled by the commission for the balance of the term of the person he succeeds.
- (d) Each public defender, assistant public defender and deputy assistant public defender shall devote his full time to the duties of his office, shall not engage in the private practice of law, and shall not be a partner, member or associate of a law firm.
- (e) Notwithstanding any other provision of this section, the commission may, if it believes it to be in the best interest of providing efficient defender services to the public, allow one or more public defenders, assistant public defenders or deputy assistant public defenders to serve on a part-time basis in areas where it determines that part-time services more satisfactorily fulfill the needs of the division and the public.
- (f) No public defender, assistant public defender or deputy assistant public defender may be removed from office during his term except by order of the commission after due notice and hearing. A recommendation for removal from office may be initiated by the Chief Public Defender.
- (g) A public defender, assistant public defender or deputy assistant public defender may be suspended for cause without pay by the Chief Public Defender for a period of not more than fifteen working days. Such a suspension shall be reviewed by the commission at the request of the public defender, assistant public defender or deputy assistant public defender. If the action of the Chief Public Defender is reversed, full payment of salary for the period of the suspension shall be made. A public defender, assistant public defender or deputy assistant public defender may be suspended or continued under suspension without pay for a period of more than fifteen working days only upon a majority vote of the commission after due notice and a hearing.
- (h) Public defenders, assistant public defenders and deputy assistant public defenders shall receive salaries as established by the commission pursuant to this chapter. The salaries paid to public defenders, assistant public defenders and deputy assistant public defenders in the Superior Court shall be comparable to those paid to state's attorneys, assistant state's attorneys and deputy assistant state's attorneys in the various judicial districts in the court.
- (i) The public defenders and assistant public defenders shall, at the time of their appointment, be attorneys-at-law, admitted to the practice of law in this state.

Sec. 6. Section 51-297 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

- (a) A public defender, assistant public defender or deputy assistant public defender shall make such investigation of the financial status of each person he has been appointed to represent or who has requested representation based on indigency, as he deems necessary. He shall cause

the person to complete a written statement under oath or affirmation setting forth his liabilities and assets, income and sources thereof, and such other information which the commission shall designate and require on forms furnished for such purpose.

(b) Any person who intentionally falsifies a written statement in order to obtain appointment of a public defender, assistant public defender or deputy assistant public defender shall be guilty of a class A misdemeanor.

(c) If a public defender, assistant public defender or deputy assistant public defender is appointed to provide assistance to any person and he subsequently determines that the person is ineligible for assistance, the public defender, assistant public defender or deputy assistant public defender shall promptly inform the person in writing and make a motion to withdraw his appearance if filed, or his appointment if made by the court, as soon as it is practical to do so without prejudice to the case, giving the defendant a reasonable time to secure private counsel. If the withdrawal is granted by the court, the person shall reimburse the commission for any assistance which has been provided for which the person is ineligible.

(d) Reimbursement to the commission shall be made in accordance with a schedule of reasonable charges for public defender services which shall be provided by the commission.

(e) The Chief Public Defender or anyone serving under him may institute an investigation into the financial status of each defendant at such times as the circumstances shall warrant. In connection therewith, he shall have the authority to require a defendant or the parents, guardians or other persons responsible for the support of a minor defendant, child or youth, or those persons holding property in trust or otherwise for a defendant, child or youth, to execute and deliver such written authorizations as may be necessary to provide the Chief Public Defender, or anyone serving under him, with access to records of public or private sources, otherwise confidential, or any other information, which may be relevant to the making of a decision as to eligibility under this chapter. The Chief Public Defender, the Deputy Chief Public Defender, and each public defender, assistant public defender and deputy assistant public defender or designee, are authorized to obtain information from any office of the state or any subdivision or agency thereof on request and without payment of any fees.

(f) As used in this chapter "indigent defendant" means (1) a person who is formally charged with the commission of a crime punishable by imprisonment and who does not have the financial ability at the time of his request for representation to secure competent legal representation and to provide other necessary expenses of legal representation; **[and]** (2) a child who has a right to counsel under the provisions of subsection (a) of section 46b-135 and who does not have the financial ability at the time of his request for representation to secure competent legal representation and to provide other necessary expenses of legal representation; **or** (3) any person who has a right to counsel under section 46b-136, as amended by this act, and who does not have the financial ability at the time of his request for representation to secure competent legal representation and to provide other necessary expenses of legal representation.

(g) If the Chief Public Defender or anyone serving under **[him]** the Chief Public Defender

determines that an individual is not eligible to receive the services of a public defender under this chapter, the individual may appeal the decision to the court before which **[his]** [the individual's](#) case is pending.

Sec. 7. Section 51-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) (1) If at any time, either during or after the disposition of his case, a defendant who is receiving or has received public defender services based on his indigency, [or a person for whom counsel has been appointed pursuant to subsection \(c\) of section 51-296, as amended by this act](#), becomes financially able to meet all or some part of the cost of the services rendered to him, he shall be required to reimburse the commission, in such amounts as he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission. (2) Difficulty or failure in the making of payment shall not reduce or in any way affect the rendering of public defender services to the person.

(b) The commission shall have a claim against any person represented by a public defender, assistant public defender, **[or]** deputy assistant public defender [or Division of Public Defender Services assigned counsel](#) pursuant to this chapter, for the reasonable value of services rendered to him, as determined in accordance with the schedule of reasonable charges for public defender services provided by the commission. The claim shall be enforceable by civil action brought in the name of the state on behalf of the commission by the Attorney General, at any time within ten years from the last date on which any services were rendered. Money so recovered shall be repaid to the commission. The Attorney General shall do all things necessary and proper to collect all money due to the commission by way of reimbursement for services rendered pursuant to this chapter. He shall have all the remedies and may take all necessary proceedings for the collection of amounts due which may be had or taken for or upon the recovery of a judgment in a civil action and may institute and maintain any action or proceeding in the courts necessary therefor. In any such proceedings or action, the defendant may contest the value of the services rendered pursuant to this chapter by any public defender, assistant public defender, **[or]** deputy assistant public defender [or Division of Public Defender Services assigned counsel](#).

(c) The Attorney General may compromise and make settlement of, or with the concurrence of the Chief Public Defender, forego any claims for services performed for any person pursuant to this chapter whenever the financial circumstances of a person are such that the best interest of the state will be served by such action.

Sec. 8. Section 51-299 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[Whenever] [Except in cases in which counsel has been appointed pursuant to subsection \(c\) of section 51-296, as amended by this act, whenever](#) a person requesting services pursuant to this chapter is under the age of eighteen years eligibility for services shall be measured in terms of the financial circumstances of such person and of his parents, guardians, or those legally

responsible for the support of said person. The commission shall be entitled to recover the reasonable cost of legal services, as determined in accordance with the schedule of reasonable charges for public defender services provided by the commission, from the parents, guardians, trustees or those legally responsible for the support of such person and the provisions of section 51-298, [as amended by this act](#), shall apply to said persons. In so doing, it shall have the authority to require said parents, guardians or other such persons as well as those persons holding property in trust or otherwise for such minor or unemancipated person to execute and deliver to the commission or its employees any written requests or authorizations required under applicable law or otherwise to provide the Chief Public Defender or those serving under him with access to such records of public or private sources, otherwise confidential, or any other information which may be relevant to the question of eligibility or liability to the commission under this chapter.

Sec. 9. Section 4-141 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in this chapter: "Claim" means a petition for the payment or refund of money by the state or for permission to sue the state; "just claim" means a claim which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit; "person" means any individual, firm, partnership, corporation, limited liability company, association or other group, including political subdivisions of the state; "state agency" includes every department, division, board, office, commission, arm, agency and institution of the state government, whatever its title or function; and "state officers and employees" includes every person elected or appointed to or employed in any office, position or post in the state government, whatever such person's title, classification or function and whether such person serves with or without remuneration or compensation, including judges of probate courts, employees of such courts and special limited conservators appointed by such courts pursuant to section 17a-543a. In addition to the foregoing, "state officers and employees" includes attorneys appointed as victim compensation commissioners, attorneys appointed by the Public Defender Services Commission as public defenders, assistant public defenders or deputy assistant public defenders and attorneys appointed by the court as [\[special assistant public defenders\]](#) [Division of Public Defender Services assigned counsel](#), the Attorney General, the Deputy Attorney General and any associate attorney general or assistant attorney general, any other attorneys employed by any state agency, any commissioner of the Superior Court hearing small claims matters or acting as a fact-finder, arbitrator or magistrate or acting in any other quasi-judicial position, any person appointed to a committee established by law for the purpose of rendering services to the Judicial Department, including, but not limited to, the Legal Specialization Screening Committee, the State-Wide Grievance Committee, the Client Security Fund Committee, the advisory committee appointed pursuant to section 51-81d and the State Bar Examining Committee, any member of a multidisciplinary team established by the Commissioner of Children and Families pursuant to section 17a-106a, and any physicians or psychologists employed by any state agency. "State officers and employees" shall not include any medical or dental intern, resident or fellow of The University of Connecticut when (1) the intern, resident or fellow is assigned to a hospital affiliated with the university through an integrated residency program, and (2) such hospital provides protection against professional liability claims in an amount and manner equivalent to that provided by the

hospital to its full-time physician employees.

Sec. 10. Section 4-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No state officer or employee shall be personally liable for damage or injury, not wanton, reckless or malicious, caused in the discharge of his or her duties or within the scope of his or her employment. Any person having a complaint for such damage or injury shall present it as a claim against the state under the provisions of this chapter.

(b) For the purposes of this section, (1) "scope of employment" includes but is not limited to, (A) representation by an attorney appointed by the Public Defender Services Commission as a public defender, assistant public defender or deputy assistant public defender or an attorney appointed by the court as **[a special assistant public defender]** [Division of Public Defender Services assigned counsel](#) of an indigent accused or of a child on a petition of delinquency, (B) representation by such other attorneys, referred to in section 4-141, [as amended by this act](#), of state officers and employees in actions brought against such officers and employees in their official and individual capacities, (C) the discharge of duties as a trustee of the state employees retirement system, (D) the discharge of duties of a commissioner of the Superior Court hearing small claims matters or acting as a fact-finder, arbitrator or magistrate or acting in any other quasi-judicial position, (E) the discharge of duties of a person appointed to a committee established by law for the purpose of rendering services to the Judicial Department, including, but not limited to, the Legal Specialization Screening Committee, the State-Wide Grievance Committee, the Client Security Fund Committee, the advisory committee appointed pursuant to section 51-81d and the State Bar Examining Committee, and (F) military duty performed by the armed forces of the state while under state active duty; provided the actions described in subparagraphs (A) to (F), inclusive, of this subdivision arise out of the discharge of the duties or within the scope of employment of such officers or employees, and (2) "state employee" includes a member or employee of the soil and water district boards established pursuant to section 22a-315.

Sec. 11. Section 52-143 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Subpoenas for witnesses shall be signed by the clerk of the court or a commissioner of the Superior Court and shall be served by an officer, indifferent person or, in any criminal case in which a defendant is represented by a public defender or **[special assistant public defender]** [Division of Public Defender Services assigned counsel](#), by an investigator of the Division of Public Defender Services. The subpoena shall be served not less than eighteen hours prior to the time designated for the person summoned to appear, unless the court orders otherwise.

(b) Any subpoena summoning a police officer as a witness may be served upon the chief of police or any person designated by the chief of police at the appropriate police station who shall act as the agent of the police officer named in the subpoena. Service upon the agent shall be deemed to be service upon the police officer.

(c) Any subpoena summoning a correctional officer as a witness may be served upon a person designated by the Commissioner of Correction at the correctional facility where the correctional officer is assigned who shall act as the agent of the correctional officer named in the subpoena. Service upon the agent shall be deemed to be service upon the correctional officer.

(d) Subpoenas for witnesses summoned by the state, including those issued by the Attorney General or an assistant attorney general, or by any public defender or assistant public defender acting in his official capacity may contain this statement: "Notice to the person summoned: Your statutory fees as witness will be paid by the clerk of the court where you are summoned to appear, if you give the clerk this subpoena on the day you appear. If you do not appear in court on the day and at the time stated, or on the day and at the time to which your appearance may have been postponed or continued by order of an officer of the court, the court may order that you be arrested. "

(e) If any person summoned by the state, or by the Attorney General or an assistant attorney general, or by any public defender or assistant public defender acting in his official capacity, by a subpoena containing the statement as provided in subsection (d), or if any other person upon whom a subpoena is served to appear and testify in a cause pending before any court and to whom one day's attendance and fees for traveling to court have been tendered, fails to appear and testify, without reasonable excuse, he shall be fined not more than twenty-five dollars and pay all damages to the party aggrieved; and the court or judge, on proof of the service of a subpoena containing the statement as provided in subsection (d), or on proof of the service of a subpoena and the tender of such fees, may issue a *capias* directed to some proper officer to arrest the witness and bring him before the court to testify.

(f) Any subpoena summoning a physician as a witness may be served upon the office manager or person in charge at the office or principal place of business of such physician who shall act as the agent of the physician named in the subpoena. Service upon the agent shall be deemed to be service upon the physician.

Sec. 12. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

(1) "Person" means an indigent defendant, as defined in section 51-297 of the general statutes, as amended by this act;

(2) "Confidential communications" means all oral and written communications transmitted in confidence between a public defender and a person the public defender has been appointed to provide legal representation to relating to legal advice sought by the person and all records prepared by the public defender in furtherance of the rendition of such legal advice; and

(3) "Public Defender" means the Chief Public Defender, Deputy Chief Public Defender, public defenders, assistant public defenders, deputy assistant public defenders, Division of Public Defender Services assigned counsel and the employees of the Division of Public Defender Services.

(b) In any civil or criminal case or proceeding or in any legislative or administrative proceeding, all confidential communications shall be privileged and a public defender shall not disclose any such communications unless the person who is represented by the public defender provides informed consent, as defined in the Rules of Professional Conduct, to waive the privilege and allow such disclosure.

Sec. 13. Subsection (f) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(f) The commissioner or the commissioner's designee shall, upon request, promptly provide copies of records, without the consent of a person, to (1) a law enforcement agency, (2) the Chief State's Attorney, or the Chief State's Attorney's designee, or a state's attorney for the judicial district in which the child resides or in which the alleged abuse or neglect occurred, or the state's attorney's designee, for purposes of investigating or prosecuting an allegation of child abuse or neglect, (3) the attorney appointed to represent a child in any court in litigation affecting the best interests of the child, (4) a guardian ad litem appointed to represent a child in any court in litigation affecting the best interests of the child, (5) the Department of Public Health, in connection with: (A) Licensure of any person to care for children for the purposes of determining the suitability of such person for licensure, subject to the provisions of sections 17a-101g and 17a-101k, or (B) an investigation conducted pursuant to section 19a-80f, (6) any state agency which licenses such person to educate or care for children pursuant to section 10-145b or 17a-101j, subject to the provisions of sections 17a-101g and 17a-101k concerning nondisclosure of findings of responsibility for abuse and neglect, (7) the Governor, when requested in writing, in the course of the Governor's official functions or the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and the select committee of the General Assembly having cognizance of matters relating to children when requested in the course of said committees' official functions in writing, and upon a majority vote of said committee, provided no names or other identifying information shall be disclosed unless it is essential to the legislative or gubernatorial purpose, (8) a local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut-Unified School District #2, established pursuant to section 17a-37, (9) a party in a custody proceeding under section 17a-112 or 46b-129, [as amended by this act](#), in the Superior Court where such records concern a child who is the subject of the proceeding or the parent of such child, (10) the Chief [**Child Protection Attorney**] [Public Defender](#), or his or her designee, for purposes of ensuring competent representation by the attorneys whom the Chief [**Child Protection Attorney**] [Public Defender](#) contracts with to provide legal and guardian ad litem services to the subjects of such records and to ensure accurate payments for services rendered by such contract attorneys, (11) the Department of Motor Vehicles, for purposes of checking the state's child abuse and neglect registry pursuant to subsection (e) of section 14-44, and (12) a judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding. A disclosure under this section shall be made of any part of a record, whether or not created by the department, provided no confidential record of the Superior Court shall be disclosed other than the petition and any affidavits filed therewith in the superior court for juvenile matters, except upon an

order of a judge of the Superior Court for good cause shown. The commissioner shall also disclose the name of any individual who cooperates with an investigation of a report of child abuse or neglect to such law enforcement agency or state's attorney for purposes of investigating or prosecuting an allegation of child abuse or neglect. The commissioner or the commissioner's designee shall, upon request, subject to the provisions of sections 17a-101g and 17a-101k, promptly provide copies of records, without the consent of the person, to (A) the Department of Public Health for the purpose of determining the suitability of a person to care for children in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social Services for determining the suitability of a person for any payment from the department for providing child care.

Sec. 14. Section 46b-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

In any proceeding seeking relief under the provisions of this chapter and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to 46b-213v, inclusive, 47-14g, 51-348a and 52-362, the court may order either spouse or, if such proceeding concerns the custody, care, education, visitation or support of a minor child, either parent to pay the reasonable attorney's fees of the other in accordance with their respective financial abilities and the criteria set forth in section 46b-82. If, in any proceeding under this chapter and said sections, the court appoints an attorney for a minor child, the court may order the father, mother or an intervening party, individually or in any combination, to pay the reasonable fees of the attorney or may order the payment of the attorney's fees in whole or in part from the estate of the child. If the child is receiving or has received state aid or care, the compensation of the attorney shall be established and paid by the [[Commission on Child Protection](#)] [Public Defender Services Commission](#).

Sec. 15. Subsection (b) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) All records of cases of juvenile matters, as provided in section 46b-121, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, except that: (1) The records concerning any matter transferred from a court of probate pursuant to section 45a-623 or subsection (g) of section 45a-715 or any appeal from probate to the superior court for juvenile matters pursuant to subsection (b) of section 45a-186 shall be available to the court of probate from which such matter was transferred or from which such appeal was taken; (2) such records shall be available to (A) the attorney representing the child or youth, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (B) the parents or guardian of the child or youth until such time as the child or youth reaches the age of majority or becomes emancipated, (C) an adult adopted person in accordance with the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the Division of Criminal Justice who in the performance of their duties require access to such records, (E) employees of the Judicial Branch who in the performance of their duties require access to such records, (F)

another court under the provisions of subsection (d) of section 46b-115j, (G) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority or has been emancipated, (H) the Department of Children and Families, and (I) the employees of the [[Commission on Child Protection](#)] [Division of Public Defender Services](#) who, in the performance of their duties [related to Division of Public Defender Services assigned counsel](#), require access to such records; and (3) all or part of the records concerning a youth in crisis with respect to whom a court order was issued prior to January 1, 2010, may be made available to the Department of Motor Vehicles, provided such records are relevant to such order. Any records of cases of juvenile matters, or any part thereof, provided to any persons, governmental and private agencies, and institutions pursuant to this section shall not be disclosed, directly or indirectly, to any third party not specified in subsection (d) of this section, except as provided by court order or in the report required under section 54-76d or 54-91a.

Sec. 16. Subsections (c) and (d) of section 46b-129 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(c) The preliminary hearing on the order of temporary custody or order to appear or the first hearing on a petition filed pursuant to subsection (a) of this section shall be held in order for the court to: (1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135; (2) assure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section [\[46b-123e\] 4 of this act](#) and sections 46b-129a, [as amended by this act](#), and 46b-136, [as amended by this act](#); (3) upon request, appoint an attorney to represent the respondent when the respondent is unable to afford representation, in accordance with subsection (b) of section [\[46b-123e\] 4 of this act](#); (4) advise the parent or guardian of the right to a hearing on the petitions and applications, to be held not later than ten days after the date of the preliminary hearing if the hearing is pursuant to an order of temporary custody or an order to show cause; (5) accept a plea regarding the truth of such allegations; (6) make any interim orders, including visitation, that the court determines are in the best interests of the child or youth. The court, after a hearing pursuant to this subsection, shall order specific steps the commissioner and the parent or guardian shall take for the parent or guardian to regain or to retain custody of the child or youth; (7) take steps to determine the identity of the father of the child or youth, including, if necessary, inquiring of the mother of the child or youth, under oath, as to the identity and address of any person who might be the father of the child or youth and ordering genetic testing, and order service of the petition and notice of the hearing date, if any, to be made upon him; (8) if the person named as the father appears, and admits that he is the father, provide him and the mother with the notices that comply with section 17b-27 and provide them with the opportunity to sign a paternity acknowledgment and affirmation on forms that comply with section 17b-27. Such documents shall be executed and filed in accordance with chapter 815y and a copy delivered to the clerk of the superior court for juvenile matters; (9) in the event that the person named as a father appears and denies that he is the father of the child or youth, advise him that he may have no further standing in any proceeding concerning the child, and either order genetic testing to

determine paternity or direct him to execute a written denial of paternity on a form promulgated by the Office of the Chief Court Administrator. Upon execution of such a form by the putative father, the court may remove him from the case and afford him no further standing in the case or in any subsequent proceeding regarding the child or youth until such time as paternity is established by formal acknowledgment or adjudication in a court of competent jurisdiction; (10) identify any person or persons related to the child or youth by blood or marriage residing in this state who might serve as licensed foster parents or temporary custodians and order the Commissioner of Children and Families to investigate and determine, not later than thirty days after the preliminary hearing, the appropriateness of placement of the child or youth with such relative or relatives; and (11) in accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood or marriage residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of placement of the child or youth with such relative or relatives.

(d) (1) (A) If not later than thirty days after the preliminary hearing, or within a reasonable time when a relative resides out of state, the Commissioner of Children and Families determines that there is not a suitable person related to the child or youth by blood or marriage who can be licensed as a foster parent or serve as a temporary custodian, and the court has not granted temporary custody to a person related to the child or youth by blood or marriage, any person related to the child or youth by blood or marriage may file, not later than ninety days after the date of the preliminary hearing, a motion to intervene for the limited purpose of moving for temporary custody of such child or youth. If a motion to intervene is timely filed, the court shall grant such motion except for good cause shown.

(B) Any person related to a child or youth may file a motion to intervene for purposes of seeking temporary custody of a child or youth more than ninety days after the date of the preliminary hearing. The granting of such motion shall be solely in the court's discretion, except that such motion shall be granted absent good cause shown whenever the child's or youth's most recent placement has been disrupted or is about to be disrupted.

(C) A relative shall appear in person, with or without counsel, and shall not be entitled to court appointed counsel or the assignment of counsel by the [office of](#) Chief [Child Protection Attorney] [Public Defender](#), except as provided in section 46b-136, [as amended by this act](#).

(2) Upon the granting of intervenor status to such relative of the child or youth, the court shall issue an order directing the Commissioner of Children and Families to conduct an assessment of such relative and to file a written report with the court not later than forty days after such order, unless such relative resides out of state, in which case the assessment shall be ordered and requested in accordance with the provisions of the Interstate Compact on the Placement of Children, pursuant to section 17a-175. The court may also request such relative to release such relative's medical records, including any psychiatric or psychological records and may order such relative to submit to a physical or mental examination. The expenses incurred for such physical or mental examination shall be paid as costs of commitment are paid. Upon receipt of the assessment, the court shall schedule a hearing on such relative's motion for temporary

custody not later than fifteen days after the receipt of the assessment. If the Commissioner of Children and Families, the child's or youth's attorney or guardian ad litem, or the parent or guardian objects to the vesting of temporary custody in such relative, the agency or person objecting at such hearing shall be required to prove by a fair preponderance of the evidence that granting temporary custody of the child or youth to such relative would not be in the best interests of such child or youth.

(3) If the court grants such relative temporary custody during the period of such temporary custody, such relative shall be subject to orders of the court, including, but not limited to, providing for the care and supervision of such child or youth and cooperating with the Commissioner of Children and Families in the implementation of treatment and permanency plans and services for such child or youth. The court may, on motion of any party or the court's own motion, after notice and a hearing, terminate such relative's intervenor status if such relative's participation in the case is no longer warranted or necessary.

(4) Any person related to a child or youth may file a motion to intervene for purposes of seeking permanent guardianship of a child or youth more than ninety days after the date of the preliminary hearing. The granting of such motion to intervene shall be solely in the court's discretion, except that such motion shall be granted absent good cause shown whenever the child's or youth's most recent placement has been disrupted or is about to be disrupted. The court may, in the court's discretion, order the Commissioner of Children and Families to conduct an assessment of such relative granted intervenor status pursuant to this subdivision.

(5) Any relative granted intervenor status pursuant to this subsection shall not be entitled to court-appointed counsel or representation by Division of Public Defender Services assigned counsel, except as provided in section 46b-136, as amended by this act.

Sec. 17. Section 46b-129a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

In proceedings in the Superior Court under section 46b-129, as amended by this act:

(1) The court may order the child, the parents, the guardian, or other persons accused by a competent witness **[with]** of abusing the child, to be examined by one or more competent physicians, psychiatrists or psychologists appointed by the court;

(2) **[a]** (A) A child shall be represented by counsel knowledgeable about representing such children who shall be **[appointed by the court]** assigned to represent the child **[and to act as guardian ad litem for the child.]** by the office of Chief Public Defender, or appointed by the court if there is an immediate need for the appointment of counsel during a court proceeding. The court shall give the parties prior notice of such assignment or appointment. Counsel for the child shall act solely as attorney for the child.

(B) If a child requiring assignment of counsel in a proceeding under section 46b-129, as amended by this act, is represented by an attorney for a minor child in an ongoing probate or family matter proceeding, the court may appoint the attorney to represent the child in the

proceeding under section 46b-129, as amended by this act, provided (i) such counsel is knowledgeable about representing such children, and (ii) the court notifies the office of Chief Public Defender of the appointment. Any child who is subject to an ongoing probate or family matters proceeding who has been appointed a guardian ad litem in such proceeding shall be assigned a separate guardian ad litem in a proceeding under section 46b-129, as amended by this act, if it is deemed necessary pursuant to subparagraph (D) of this subdivision.

(C) The primary role of any counsel for the child [**including the counsel who also serves as guardian ad litem,**] shall be to advocate for the child in accordance with the Rules of Professional Conduct. [**When a conflict arises between the child's wishes or position and that which counsel for the child believes is in the best interest of the child, the court shall appoint another person as guardian ad litem for the child.]**

(D) If the court, based on evidence before it, or counsel for the child, determines that the child cannot adequately act in his or her own best interests and the child's wishes, as determined by counsel, if followed, could lead to substantial physical, financial or other harm to the child unless protective action is taken, counsel may request and the court may order that a separate guardian ad litem be assigned for the child, in which case the court shall either appoint a guardian ad litem to serve on a voluntary basis or notify the office of Chief Public Defender who shall assign a separate guardian ad litem for the child. The guardian ad litem shall [**speak on behalf**] perform an independent investigation of the case and may present at any hearing information pertinent to the court's determination of the best [**interest**] interests of the child. [**and**] The guardian ad litem shall be subject to cross-examination upon the request of opposing counsel. The guardian ad litem is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children and relevant court procedures. [**In the event that**] If a separate guardian ad litem is [**appointed**] assigned, the person previously serving as [**both**] counsel [**and guardian ad litem**] for the child shall continue to serve as counsel for the child and a different person shall be [**appointed**] assigned as guardian ad litem, unless the court for good cause also [**appoints**] determines that a different person should serve as counsel for the child, in which case the court shall notify the office of Chief Public Defender who shall assign a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem.

(E) The counsel and guardian ad litem's fees, if any, shall be paid by the office of Chief Public Defender unless the parents or guardian, or the estate of the child, [**or, if such persons**] are [**unable**] able to pay, [**by the court**] in which case the court shall assess the rate the parent or guardian is able to pay and the office of Chief Public Defender may seek reimbursement for the costs of representation from the parents, guardian or estate of the child;

(3) [**the**] The privilege against the disclosure of communications between husband and wife shall be inapplicable and either may testify as to any relevant matter; and

(4) [**evidence**] Evidence that the child has been abused or has sustained a nonaccidental injury shall constitute prima facie evidence that shall be sufficient to support an adjudication that such child is uncared for or neglected.

Sec. 18. Section 46b-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

In any proceeding in a juvenile matter, the judge before whom such proceeding is pending shall, even in the absence of a request to do so, provide an attorney to represent the child or youth, the child's or youth's parent or parents or guardian, or other person having control of the child or youth, if such judge determines that the interests of justice so require, and in any proceeding in which the custody of a child is at issue, such judge shall provide an attorney to represent the child and may authorize such attorney or appoint another attorney to represent such child or youth, parent, guardian or other person on an appeal from a decision in such proceeding. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the court shall assess as costs against such parents, guardian or custodian, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid by the [[Commission on Child Protection](#)] [Division of Public Defender Services](#) in providing such counsel, to the extent of their financial ability to do so. The [[Commission on Child Protection](#)] [Division of Public Defender Services](#) shall establish the rate at which counsel provided pursuant to this section shall be compensated.

Sec. 19. (*Effective July 1, 2011*) (a) Wherever the words "Commission on Child Protection" are used in the public or special acts of 2011, the words "Public Defender Services Commission" shall be substituted in lieu thereof.

(b) Wherever the words "Chief Child Protection Attorney" are used in the public or special acts of 2011, the words "Chief Public Defender" shall be substituted in lieu thereof.

(c) Wherever the words "special assistant public defender" are used in the public or special acts of 2011, the words "Division of Public Defender Services assigned counsel" shall be substituted in lieu thereof.

(d) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 20. (*Effective July 1, 2011*) Not later than January 2, 2012, the Chief Public Defender shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and the judiciary concerning (1) the status of the transfer of the functions, powers and duties of the Commission on Child Protection to the Public Defender Services Commission in accordance with sections 1 to 19, inclusive, of this act, and (2) any recommendations for further legislative action concerning such transfer.

Sec. 21. (NEW) (*Effective from passage*) (a) Probation officers shall provide intensive pretrial supervision services, in accordance with guidelines developed by the Court Support Services Division, whenever ordered to do so by the court.

(b) Probation officers shall complete alternative sentencing plans, in accordance with guidelines developed by the Court Support Services Division, for persons who have entered into a stated plea agreement that includes a term of imprisonment of two years or less, whenever ordered to do so by the court.

(c) Probation officers may evaluate persons sentenced to a term of imprisonment of two years or less who have been confined under such sentence for at least ninety days and have complied with institutional rules and necessary treatment programs of the Department of Correction, and may develop a community release plan for such persons in accordance with guidelines developed by the Court Support Services Division. If a probation officer develops a community release plan, the probation officer shall apply for a sentence modification hearing under section 53a-39 of the general statutes.

Sec. 22. (NEW) (*Effective July 1, 2011*) (a) Notwithstanding any provision of the general statutes, any person sentenced to a term of imprisonment for a crime committed on or after October 1, 1994, and committed to the custody of the Commissioner of Correction on or after said date, except a person sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-70a or 53a-100aa, may be eligible to earn risk reduction credit toward a reduction of such person's sentence, in an amount not to exceed five days per month, at the discretion of the Commissioner of Correction for conduct as provided in subsection (b) of this section occurring on or after April 1, 2006.

(b) An inmate may earn risk reduction credit for adherence to the inmate's offender accountability plan, for participation in eligible programs and activities, and for good conduct and obedience to institutional rules as designated by the commissioner, provided (1) good conduct and obedience to institutional rules alone shall not entitle an inmate to such credit, and (2) the commissioner or the commissioner's designee may, in his or her discretion, cause the loss of all or any portion of such earned risk reduction credit for any act of misconduct or insubordination or refusal to conform to recommended programs or activities or institutional rules occurring at any time during the service of the sentence or for other good cause. If an inmate has not earned sufficient risk reduction credit at the time the commissioner or the commissioner's designee orders the loss of all or a portion of earned credit, such loss shall be deducted from any credit earned by such inmate in the future.

(c) The award of risk reduction credit earned for conduct occurring prior to July 1, 2011, shall be phased in consistent with public safety, risk reduction, administrative purposes and sound correctional practice, at the discretion of the commissioner, but shall be completed not later than July 1, 2012.

(d) Any credit earned under this section may only be earned during the period of time that the inmate is sentenced to a term of imprisonment and committed to the custody of the commissioner and may not be transferred or applied to a subsequent term of imprisonment. In no event shall any credit earned under this section be applied by the commissioner so as to reduce a mandatory minimum term of imprisonment such inmate is required to serve by statute.

(e) The commissioner shall adopt policies and procedures to determine the amount of credit an inmate may earn toward a reduction in his or her sentence and to phase in the awarding of retroactive credit authorized by subsection (c) of this section.

Sec. 23. Section 18-100c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

A person convicted of a crime who is incarcerated on or after July 1, 1993, who received a definite sentence of two years or less, and who has been confined under such sentence for not less than one-half of the sentence imposed by the court, less such time as may have been earned under the provisions of section 18-7, 18-7a, 18-98a, 18-98b or 18-98d [or less any risk reduction credit earned under the provisions of section 22 of this act](#), may be released pursuant to subsection (e) of section 18-100 or to any other community correction program approved by the Commissioner of Correction.

Sec. 24. Section 18-100d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Notwithstanding any other provision of the general statutes, any person convicted of a crime committed on or after October 1, 1994, shall be subject to supervision by personnel of the Department of Correction until the expiration of the maximum term or terms for which such person was sentenced [less any risk reduction credit earned under the provisions of section 22 of this act](#).

Sec. 25. Section 54-125a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) A person convicted of one or more crimes who is incarcerated on or after October 1, 1990, who received a definite sentence or aggregate sentence of more than two years, and who has been confined under such sentence or sentences for not less than one-half of the aggregate sentence [less any risk reduction credit earned under the provisions of section 22 of this act](#) or one-half of the most recent sentence imposed by the court [less any risk reduction credit earned under the provisions of section 22 of this act](#), whichever is greater, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which the person is confined, if (1) it appears from all available information, including any reports from the Commissioner of Correction that the panel may require, that there is reasonable probability that such inmate will live and remain at liberty without violating the law, and (2) such release is not incompatible with the welfare of society. At the discretion of the panel, and under the terms and conditions as may be prescribed by the panel including requiring the parolee to submit personal reports, the parolee shall be allowed to return to the parolee's home or to reside in a residential community center, or to go elsewhere. The parolee shall, while on parole, remain under the jurisdiction of the board until the expiration of the maximum term or terms for which the parolee was sentenced [less any risk reduction credit earned under the provisions of section 22 of this act](#). Any parolee released on the condition that the parolee reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of

the parolee's residence, which may be changed in the discretion of the board and the Commissioner of Correction. Within three weeks after the commitment of each person sentenced to more than two years, the state's attorney for the judicial district shall send to the Board of Pardons and Paroles the record, if any, of such person.

(b) (1) No person convicted of any of the following offenses, which was committed on or after July 1, 1981, shall be eligible for parole under subsection (a) of this section: Capital felony, as provided in section 53a-54b, felony murder, as provided in section 53a-54c, arson murder, as provided in section 53a-54d, murder, as provided in section 53a-54a, or aggravated sexual assault in the first degree, as provided in section 53a-70a. (2) A person convicted of (A) a violation of section 53a-100aa or 53a-102, or (B) an offense, other than an offense specified in subdivision (1) of this subsection, where the underlying facts and circumstances of the offense involve the use, attempted use or threatened use of physical force against another person shall be ineligible for parole under subsection (a) of this section until such person has served not less than eighty-five per cent of the definite sentence imposed [less any risk reduction credit earned under the provisions of section 22 of this act](#).

(c) The Board of Pardons and Paroles shall, not later than July 1, 1996, adopt regulations in accordance with chapter 54 to ensure that a person convicted of an offense described in subdivision (2) of subsection (b) of this section is not released on parole until such person has served eighty-five per cent of the definite sentence imposed by the court [less any risk reduction credit earned under the provisions of section 22 of this act](#). Such regulations shall include guidelines and procedures for classifying a person as a violent offender that are not limited to a consideration of the elements of the offense or offenses for which such person was convicted.

(d) The Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is not subject to the provisions of subsection (b) of this section upon completion by such person of seventy-five per cent of such person's definite or aggregate sentence [less any risk reduction credit earned under the provisions of section 22 of this act](#). An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall reassess the suitability for parole release of such person based on the following standards: (1) Whether there is reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. After hearing, if the board determines that continued confinement is necessary, it shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. The decision of the board under this subsection shall not be subject to appeal.

(e) The Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is subject to the provisions of subdivision (2) of subsection (b) of this section upon completion by such person of eighty-five per cent of such person's definite or aggregate sentence [less any risk reduction credit earned](#)

under the provisions of section 22 of this act. An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall assess the suitability for parole release of such person based on the following standards: (1) Whether there is reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. After hearing, if the board determines that continued confinement is necessary, it shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. The decision of the board under this subsection shall not be subject to appeal.

(f) Any person released on parole under this section shall remain in the custody of the Commissioner of Correction and be subject to supervision by personnel of the Department of Correction during such person's period of parole.

Sec. 26. (NEW) (*Effective July 1, 2011*) Notwithstanding any provision of the general statutes, whenever a person is sentenced to a term of imprisonment pursuant to subsection (g) of section 14-227a of the general statutes or section 14-215 of the general statutes, and committed by the court to the custody of the Commissioner of Correction, the commissioner may, after admission and a risk and needs assessment of such person, release such person to such person's residence subject to the condition that such person not leave such residence unless otherwise authorized. Based upon the assessment of such person, the commissioner may require such person to be subject to electronic monitoring, which may include the use of a global positioning system and continuous monitoring for alcohol consumption, and to any other conditions the commissioner deems appropriate. Any person released pursuant to this section shall remain in the custody of the commissioner and shall be supervised by employees of the department during the period of such release. Upon the violation by such person of any condition of such release, the commissioner may revoke such release and return such person to confinement in a correctional facility. The commissioner shall establish an advisory committee for the purpose of developing a protocol for the training of correctional staff assigned to the assessment and supervision of offenders eligible for release pursuant to this section, evaluation of outcomes of participation in such release, the establishment of victim impact panels and the provision of treatment to such participants. For purposes of this section, "continuous monitoring for alcohol consumption" means automatically testing breath, blood or transdermal alcohol concentration levels and tamper attempts at least once every hour regardless of the location of the person being monitored.

Sec. 27. (NEW) (*Effective July 1, 2011*) Notwithstanding any provision of the general statutes, whenever a person is sentenced to a term of imprisonment for a violation of section 21a-267 of the general statutes or subsection (c) of section 21a-279 of the general statutes and committed by the court to the custody of the Commissioner of Correction, the commissioner may, after admission and a risk and needs assessment, release such person to such person's residence subject to the condition that such person not leave such residence unless otherwise authorized. Based upon the assessment of such person, the commissioner may require such person to be subject to electronic monitoring, which may include the use of a global positioning system and

continuous monitoring for alcohol consumption, to drug testing on a random basis, and to any other conditions that the commissioner may impose. Any person released pursuant to this section shall remain in the custody of the commissioner and shall be supervised by employees of the department during the period of such release. Upon the violation by such person of any condition of such release, the commissioner may revoke such release and return such person to confinement in a correctional facility. For purposes of this section, "continuous monitoring for alcohol consumption" means automatically testing breath, blood or transdermal alcohol concentration levels and tamper attempts at least once every hour regardless of the location of the person being monitored.

Sec. 28. Section 10-253 of the general statutes is amended by adding subsection (g) as follows (*Effective July 1, 2011*):

(NEW) (g) (1) For purposes of this subsection, "juvenile detention facility" means a juvenile detention facility operated by, or under contract with, the Judicial Department.

(2) The local or regional board of education for the school district in which a juvenile detention facility is located shall be responsible for the provision of general education and special education and related services to children detained in such facility. The provision of general education and special education and related services shall be in accordance with all applicable state and federal laws concerning the provision of educational services. Such board may provide such educational services directly or may contract with public or private educational service providers for the provision of such services. Tuition may be charged to the local or regional board of education under whose jurisdiction the child would otherwise be attending school for the provision of general education and special education and related services. Responsibility for the provision of educational services to the child shall begin on the date of the child's placement in the juvenile detention facility and financial responsibility for the provision of such services shall begin upon the receipt by the child of such services.

(3) The local or regional board of education under whose jurisdiction the child would otherwise be attending school or, if no such board can be identified, the local or regional board of education for the school district in which the juvenile detention facility is located shall be financially responsible for the tuition charged for the provision of educational services to the child in such juvenile detention facility. The State Board of Education shall pay, on a current basis, any costs in excess of such local or regional board of education's prior year's average per pupil costs. If the local or regional board of education under whose jurisdiction the child would otherwise be attending school cannot be identified, the local or regional board of education for the school district in which the juvenile detention facility is located shall be eligible to receive on a current basis from the State Board of Education any costs in excess of such local or regional board of education's prior year's average per pupil costs. Application for the grant to be paid by the state for costs in excess of the local or regional board of education's basic contribution shall be made in accordance with the provisions of subdivision (5) of subsection (e) of section 10-76d, as amended by this act.

(4) The local or regional board of education under whose jurisdiction the child would otherwise be attending school shall be financially responsible for the provision of educational

services to the child placed in a juvenile detention facility as provided in subdivision (3) of this subsection notwithstanding that the child has been suspended from school pursuant to section 10-233c, has been expelled from school pursuant to section 10-233d or has withdrawn, dropped out or otherwise terminated enrollment from school. Upon notification of such board of education by the educational services provider for the juvenile detention facility, the child shall be reenrolled in the school district where the child would otherwise be attending school or, if no such district can be identified, in the school district in which the juvenile detention facility is located, and provided with educational services in accordance with the provisions of this subsection.

(5) The local or regional board of education under whose jurisdiction the child would otherwise be attending school or, if no such board can be identified, the local or regional board of education for the school district in which the juvenile detention facility is located shall be notified in writing by the Judicial Branch of the child's placement at the juvenile detention facility not later than one business day after the child's placement, notwithstanding any provision of the general statutes to the contrary. The notification shall include the child's name and date of birth, the address of the child's parents or guardian, placement location and contact information, and such other information as is necessary to provide educational services to the child.

(6) Prior to the child's discharge from the juvenile detention facility, an assessment of the school work completed by the child shall be conducted by the local or regional board of education responsible for the provision of educational services to children in the juvenile detention facility to determine an assignment of academic credit for the work completed. Credit assigned shall be the credit of the local or regional board of education responsible for the provision of the educational services. Credit assigned for work completed by the child shall be accepted in transfer by the local or regional board of education for the school district in which the child continues his or her education after discharge from the juvenile detention facility.

Sec. 29. Subdivision (5) of subsection (e) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(5) Application for the grant to be paid by the state for costs in excess of the local or regional board of education's basic contribution shall be made by such board of education by filing with the State Board of Education, in such manner as prescribed by the Commissioner of Education, annually on or before December first a statement of the cost of providing special education, as defined in subdivision (2) of this subsection, for a child of the board placed by a state agency in accordance with the provisions of said subdivision or, where appropriate, a statement of the cost of providing educational services other than special educational services pursuant to the provisions of subsection (b) or (g) of section 10-253, as amended by this act, provided a board of education may submit, not later than March first, claims for additional children or costs not included in the December filing. Payment by the state for such excess costs shall be made to the local or regional board of education as follows: Seventy-five per cent of the cost in February and the balance in May. The amount due each town pursuant to the provisions of this subsection and the amount due to each town as tuition from other towns

pursuant to this section shall be paid to the treasurer of each town entitled to such aid, provided the treasurer shall treat such grant or tuition received, or a portion of such grant or tuition, which relates to special education expenditures incurred pursuant to subdivisions (2) and (3) of this subsection in excess of such board's budgeted estimate of such expenditures, as a reduction in expenditures by crediting such expenditure account, rather than town revenue. The state shall notify the local or regional board of education when payments are made to the treasurer of the town pursuant to this subdivision.

Sec. 30. Section 46b-122 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) All matters which are juvenile matters, as **[provided]** defined in section 46b-121, shall be kept separate and apart from all other business of the Superior Court as far as is practicable, except matters transferred under the provisions of section 46b-127, which matters shall be transferred to the regular criminal docket of the Superior Court.

(b) Except as provided in subsection **[(b)]** (c) of this section, any judge hearing a juvenile matter may, during such hearing, exclude from the room in which such hearing is held any person whose presence is, in the court's opinion, not necessary, except that in delinquency proceedings, any victim shall not be excluded unless, after hearing from the parties and the victim and for good cause shown, which shall be clearly and specifically stated on the record, the judge orders otherwise. For the purposes of this section, "victim" means a person who is the victim of a delinquent act, a parent or guardian of such person, the legal representative of such person or a victim advocate for such person under section 54-220.

[(b) The Judicial Department shall establish, in a superior court for juvenile matters location designated by the Chief Court Administrator, a pilot program to increase public access to proceedings in which a child is alleged to be uncared for, neglected, abused or dependent or is the subject of a petition for termination of parental rights. In any proceeding under this subsection, the judge may order on a case-by-case basis that such proceeding be kept separate and apart and heard in accordance with subsection (a) of this section, upon motion of any party for good cause shown. After consultation with the Juvenile Access Pilot Program Advisory Board established pursuant to section 6 of public act 09-194, the Judicial Department shall adopt policies and procedures for the operation of the pilot program.]

(c) Any judge hearing a juvenile matter, in which a child is alleged to be uncared for, neglected, abused or dependent or in which a child is the subject of a petition for termination of parental rights, may permit any person whom the court finds has a legitimate interest in the hearing or the work of the court to attend such hearing. Such person may include a party, foster parent, relative related to the child by blood or marriage, service provider or any person or representative of any agency, entity or association, including a representative of the news media. The court may, for the child's safety and protection and for good cause shown, prohibit any person or representative of any agency, entity or association, including a representative of the news media, who is present in court from further disclosing any information that would identify the child, the custodian or caretaker of the child or the members of the child's family involved in the hearing.

~~[(c)]~~ (d) Nothing in this section shall be construed to affect the confidentiality of records of cases of juvenile matters as set forth in section 46b-124, as amended by this act, or the right of foster parents to be heard pursuant to subdivision (o) of section 46b-129.

Sec. 31. Section 49-31l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Prior to July 1, ~~[2012]~~ 2014: (1) Any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to the provisions of subsection (b) of this section, and (2) any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2009, to June 30, ~~[2012]~~ 2014, inclusive, shall be subject to the provisions of subsection (c) of this section.

(b) (1) Prior to July 1, 2012, when a mortgagee commences an action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, the mortgagee shall give notice to the mortgagor of the foreclosure mediation program established in section 49-31m by attaching to the front of the foreclosure complaint that is served on the mortgagor: (A) A copy of the notice of the availability of foreclosure mediation, in such form as the Chief Court Administrator prescribes, and (B) a foreclosure mediation request form, in such form as the Chief Court Administrator prescribes.

(2) Except as provided in subdivision (3) of this subsection, a mortgagor may request foreclosure mediation by submitting the foreclosure mediation request form to the court and filing an appearance not more than fifteen days after the return ~~[day]~~ date for the foreclosure action. Upon receipt of the foreclosure mediation request form, the court shall notify each appearing party that a foreclosure mediation request form has been submitted by the mortgagor.

(3) The court may grant a mortgagor permission to submit a foreclosure mediation request form and file an appearance after the fifteen-day period established in subdivision (2) of this subsection, for good cause shown, except that no foreclosure mediation request form may be submitted and no appearance may be filed more than twenty-five days after the return date.

(4) No foreclosure mediation request form may be submitted to the court under this subsection on or after July 1, 2012.

(5) If at any time on or after July 1, 2008, but prior to July 1, 2012, the court determines that the notice requirement of subdivision (1) of this subsection has not been met, the court may, upon its own motion or upon the written motion of the mortgagor, issue an order that no judgment may enter for fifteen days during which period the mortgagor may submit a foreclosure mediation request form to the court.

(6) Notwithstanding any provision of the general statutes or any rule of law to the contrary, prior to July 1, 2012, no judgment of strict foreclosure nor any judgment ordering a foreclosure sale shall be entered in any action subject to the provisions of this subsection and instituted by

the mortgagee to foreclose a mortgage on residential real property unless: (A) Notice to the mortgagor has been given by the mortgagee in accordance with subdivision (1) of this subsection and the time for submitting a foreclosure mediation request form has expired and no foreclosure mediation request form has been submitted, or if such notice has not been given, the time for submitting a foreclosure mediation request form pursuant to subdivision (2) or (3) of this subsection has expired and no foreclosure mediation request form has been submitted, or (B) the mediation period set forth in subdivision (b) of section 49-31n, [as amended by this act](#), has expired or has otherwise terminated, whichever is earlier.

(7) None of the mortgagor's or mortgagee's rights in the foreclosure action shall be waived by the mortgagor's submission of a foreclosure mediation request form to the court.

(c) (1) Prior to July 1, ~~2012~~ [2014](#), when a mortgagee commences an action for the foreclosure of a mortgage on residential real property with a return date on or after July 1, 2009, the mortgagee shall give notice to the mortgagor of the foreclosure mediation program established in section 49-31m by attaching to the front of the writ, summons and complaint that is served on the mortgagor: (A) A copy of the notice of foreclosure mediation, in such form as the Chief Court Administrator prescribes, (B) a copy of the foreclosure mediation certificate form described in subdivision (3) of this subsection, in such form as the Chief Court Administrator prescribes, and (C) a blank appearance form, in such form as the Chief Court Administrator prescribes.

(2) The court shall issue a notice of foreclosure mediation described in subdivision (3) of this subsection to the mortgagor not later than the date three business days after the date the mortgagee returns the writ to the court.

(3) The notice of foreclosure mediation shall instruct the mortgagor to file the appearance and foreclosure mediation certificate forms with the court ~~no~~ [not](#) later than the date fifteen days from the return date for the foreclosure action. The foreclosure mediation certificate form shall require the mortgagor to provide sufficient information to permit the court to confirm that the defendant in the foreclosure action is a mortgagor, and to certify that said mortgagor has sent a copy of the mediation certificate form to the plaintiff in the action.

(4) Upon receipt of the mortgagor's appearance and foreclosure mediation certificate forms, and provided the court confirms the defendant in the foreclosure action is a mortgagor and that said mortgagor has sent a copy of the mediation certificate form to the plaintiff, the court shall schedule a date for foreclosure mediation in accordance with subsection (c) of section 49-31n, [as amended by this act](#). The court shall issue notice of such mediation date to all appearing parties not earlier than the date five business days after the return date or by the date three business days after the date on which the court receives the mortgagor's appearance and foreclosure mediation [certificate](#) forms, whichever is later, except that if the court does not receive the appearance and foreclosure mediation certificate forms from the mortgagor by the date fifteen days after the return date for the foreclosure action, the court shall not schedule such mediation.

(5) Notwithstanding the provisions of this subsection, the court may refer a foreclosure action

brought by a mortgagee to the foreclosure mediation program at any time, provided the mortgagor has filed an appearance in said action and further provided the court shall, not later than the date three business days after the date on which it makes such referral, send a notice to each appearing party scheduling the first foreclosure mediation session for a date not later than the date fifteen business days from the date of such referral.

(6) Notwithstanding any provision of the general statutes or any rule of law, prior to July 1, [2012] 2014, no judgment of strict foreclosure nor any judgment ordering a foreclosure sale shall be entered in any action subject to the provisions of this subsection and instituted by the mortgagee to foreclose a mortgage on residential real property unless: (A) The mediation period set forth in subsection (c) of section 49-31n, as amended by this act, has expired or has otherwise terminated, whichever is earlier, or (B) the mediation program is not otherwise required or available.

(7) None of the mortgagor's or mortgagee's rights in the foreclosure action shall be waived by participation in the foreclosure mediation program.

Sec. 32. Section 49-31n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Prior to July 1, [2012] 2014: (1) Any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to the provisions of subsection (b) of this section, and (2) any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2009, to June 30, [2012] 2014, inclusive, shall be subject to the provisions of subsection (c) of this section.

(b) (1) For any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, the mediation period under the foreclosure mediation program established in section 49-31m shall commence when the court sends notice to each appearing party that a foreclosure mediation request form has been submitted by a mortgagor to the court, which notice shall be sent not later than three business days after the court receives a completed foreclosure mediation request form. The mediation period shall conclude not more than sixty days after the return [day] date for the foreclosure action, except that the court may, in its discretion, for good cause shown, (A) extend, by not more than thirty days, or shorten the mediation period on its own motion or upon motion of any party, or (B) extend by not more than thirty days the mediation period upon written request of the mediator.

(2) The first mediation session shall be held not later than fifteen business days after the court sends notice to all parties that a foreclosure mediation request form has been submitted to the court. The mortgagor and mortgagee shall appear in person at each mediation session and shall have authority to agree to a proposed settlement, except that if the mortgagee is represented by counsel, the mortgagee's counsel may appear in lieu of the mortgagee to represent the mortgagee's interests at the mediation, provided such counsel has the authority to agree to a proposed settlement and the mortgagee is available during the mediation session

by telephone. The court shall not award attorney's fees to any mortgagee for time spent in any mediation session if the court finds that such mortgagee has failed to comply with this subdivision, unless the court finds reasonable cause for such failure.

(3) Not later than two days after the conclusion of the first mediation session, the mediator shall determine whether the parties will benefit from further mediation. The mediator shall file with the court a report setting forth such determination and mail a copy of such report to each appearing party. If the mediator reports to the court that the parties will not benefit from further mediation, the mediation period shall terminate automatically. If the mediator reports to the court after the first mediation session that the parties may benefit from further mediation, the mediation period shall continue.

(4) If the mediator has submitted a report to the court that the parties may benefit from further mediation pursuant to subdivision (3) of this subsection, not more than two days after the conclusion of the mediation, but **[no]** not later than the termination of the mediation period set forth in subdivision (1) of this subsection, the mediator shall file a report with the court describing the proceedings and specifying the issues resolved, if any, and any issues not resolved pursuant to the mediation. The filing of the report shall terminate the mediation period automatically. If certain issues have not been resolved pursuant to the mediation, the mediator may refer the mortgagor to any appropriate community-based services that are available in the judicial district, but any such referral shall not cause a delay in the mediation process.

(5) The Chief Court Administrator shall establish policies and procedures to implement this subsection. Such policies and procedures shall, at a minimum, provide that the mediator shall advise the mortgagor at the first mediation session required by subdivision (2) of this subsection that: (A) Such mediation does not suspend the mortgagor's obligation to respond to the foreclosure action; and (B) a judgment of strict foreclosure or foreclosure by sale may cause the mortgagor to lose the residential real property to foreclosure.

(6) In no event shall any determination issued by a mediator under this program form the basis of an appeal of any foreclosure judgment.

(7) Foreclosure mediation request forms shall not be accepted by the court under this subsection on or after July 1, 2012, and the foreclosure mediation program shall terminate when all mediation has concluded with respect to any applications submitted to the court prior to July 1, **[2012]** 2014.

(8) At any time during the mediation period, the mediator may refer the mortgagor to the mortgage assistance programs, except that any such referral shall not prevent a mortgagee from proceeding to judgment when the conditions specified in subdivision (6) of subsection (b) of section 49-31l, as amended by this act, have been satisfied.

(c) (1) For any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2009, to June 30, **[2012]** 2014, inclusive, the mediation period under the foreclosure mediation program established in section 49-31m shall

commence when the court sends notice to each appearing party scheduling the first foreclosure mediation session. The mediation period shall conclude not later than the date sixty days after the return date for the foreclosure action, except that the court may, in its discretion, for good cause shown, (A) extend, by not more than thirty days, or shorten the mediation period on its own motion or upon motion of any party, or (B) extend by not more than thirty days the mediation period upon written request of the mediator.

(2) The first mediation session shall be held not later than fifteen business days after the court sends notice to each appearing party in accordance with subdivision (4) of subsection (c) of section 49-31l, [as amended by this act](#). The mortgagor and mortgagee shall appear in person at each mediation session and shall have authority to agree to a proposed settlement, except that if the mortgagee is represented by counsel, the mortgagee's counsel may appear in lieu of the mortgagee to represent the mortgagee's interests at the mediation, provided such counsel has the authority to agree to a proposed settlement and the mortgagee is available during the mediation session by telephone. The court shall not award attorney's fees to any mortgagee for time spent in any mediation session if the court finds that such mortgagee has failed to comply with this subdivision, unless the court finds reasonable cause for such failure.

(3) Not later than two days after the conclusion of the first mediation session, the mediator shall determine whether the parties will benefit from further mediation. The mediator shall file with the court a report setting forth such determination and mail a copy of such report to each appearing party. If the mediator reports to the court that the parties will not benefit from further mediation, the mediation period shall terminate automatically. If the mediator reports to the court after the first mediation session that the parties may benefit from further mediation, the mediation period shall continue.

(4) If the mediator has submitted a report to the court that the parties may benefit from further mediation pursuant to subdivision (3) of this subsection, not more than two days after the conclusion of the mediation, but ~~[no]~~ [not](#) later than the termination of the mediation period set forth in subdivision (1) of this subsection, the mediator shall file a report with the court describing the proceedings and specifying the issues resolved, if any, and any issues not resolved pursuant to the mediation. The filing of the report shall terminate the mediation period automatically. If certain issues have not been resolved pursuant to the mediation, the mediator may refer the mortgagor to any appropriate community-based services that are available in the judicial district, but any such referral shall not cause a delay in the mediation process.

(5) The Chief Court Administrator shall establish policies and procedures to implement this subsection. Such policies and procedures shall, at a minimum, provide that the mediator shall advise the mortgagor at the first mediation session required by subdivision (2) of this subsection that: (A) Such mediation does not suspend the mortgagor's obligation to respond to the foreclosure action; and (B) a judgment of strict foreclosure or foreclosure by sale may cause the mortgagor to lose the residential real property to foreclosure.

(6) In no event shall any determination issued by a mediator under this program form the basis of an appeal of any foreclosure judgment.

(7) The foreclosure mediation program shall terminate when all mediation has concluded with respect to any foreclosure action with a return date during the period from July 1, 2009, to June 30, [2012] 2014, inclusive.

(8) At any time during the mediation period, the mediator may refer the mortgagor to the mortgage assistance programs, except that any such referral shall not prevent a mortgagee from proceeding to judgment when the conditions specified in subdivision (6) of subsection (c) of section 49-311, as amended by this act, have been satisfied.

Sec. 33. (NEW) (*Effective October 1, 2011*) Any parent or guardian of a minor child who, knowing that such child possesses a firearm, as defined in section 53a-3 of the general statutes, and is ineligible to possess such firearm, fails to make reasonable efforts to halt such possession shall be guilty of (1) a class A misdemeanor, or (2) if such child causes the injury or death of another person with such firearm, a class D felony.

Sec. 34. Section 88 of public act 07-4 of the June special session, as amended by section 113 of public act 09-7 of the September special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Juvenile Jurisdiction Policy and Operations Coordinating Council. The council shall monitor the implementation of changes required in the juvenile justice system to expand jurisdiction to include persons sixteen and seventeen years of age.

(b) The council shall consist of the following members:

(1) Two members of the General Assembly, one of whom shall be appointed by the speaker of the House of Representatives, and one of whom shall be appointed by the president pro tempore of the Senate;

(2) The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, human services and appropriations, or their designees;

(3) The Chief Court Administrator, or the Chief Court Administrator's designee;

(4) A judge of the superior court for juvenile matters, appointed by the Chief Justice;

(5) The executive director of the Court Support Services Division of the judicial branch, or the executive director's designee;

(6) The executive director of the Superior Court Operations Division, or the executive director's designee;

(7) The Chief Public Defender, or the Chief Public Defender's designee;

(8) The Chief State's Attorney, or the Chief State's Attorney's designee;

- (9) The Commissioner of Children and Families, or the commissioner's designee;
- (10) The Commissioner of Correction, or the commissioner's designee;
- (11) The Commissioner of Education, or the commissioner's designee;
- (12) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee;
- (13) The president of the Connecticut Police Chiefs Association, or the president's designee;
- (14) Two child or youth advocates, one of whom shall be appointed by one chairperson of the Juvenile Jurisdiction Planning and Implementation Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Jurisdiction Planning and Implementation Committee;
- (15) Two parents, each of whom is the parent of a child who has been involved with the juvenile justice system, one of whom shall be appointed by the minority leader of the House of Representatives, and one of whom shall be appointed by the minority leader of the Senate; and
- (16) The Child Advocate, or the Child Advocate's designee.
- (c) All appointments to the council shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.
- (d) The Secretary of the Office of Policy and Management, or the secretary's designee and a member of the General Assembly selected jointly by the speaker of the House of Representatives and the president pro tempore of the Senate shall be cochairpersons of the council. Such cochairpersons shall schedule the first meeting of the council, which shall be held not later than sixty days after the effective date of this section.
- (e) Members of the council shall serve without compensation, except for necessary expenses incurred in the performance of their duties.
- (f) Not later than January 1, 2011, the council shall submit a report on the council's recommendations concerning the implementation of changes required in the juvenile justice system to expand jurisdiction to include persons sixteen and seventeen years of age to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, human services and appropriations, and the select committee of the General Assembly having cognizance of matters relating to children, in accordance with section 11-4a of the general statutes.
- [\(g\) Not later than January 1, 2012, the council shall submit a report on the council's recommendations concerning the implementation of changes required in the juvenile justice system to expand jurisdiction to include persons seventeen years of age to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating](#)

to the judiciary, human services and appropriations, and the select committee of the General Assembly having cognizance of matters relating to children, in accordance with section 11-4a of the general statutes.

Sec. 35. (*Effective from passage*) Not later than January 1, 2012, the Commissioner of Correction, the Commissioner of Children and Families and the Secretary of the Office of Policy and Management, in consultation with the Juvenile Jurisdiction Policy and Operations Coordinating Council and the Criminal Justice Policy Advisory Commission, shall submit a report on the feasibility of establishing, and the steps necessary to implement, a unified community corrections agency by July 1, 2013, that would serve both adult and juvenile offenders who can safely be served in community-based programs. The report shall be submitted to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, human services and appropriations and the budgets of state agencies and the select committee of the General Assembly having cognizance of matters relating to children in accordance with section 11-4a of the general statutes.

Sec. 36. (*Effective from passage*) (a) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of four million dollars of surplus funds in the Probate Court Administration Fund shall not be transferred to the General Fund on June 30, 2011.

(b) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of four million dollars of surplus funds in the Probate Court Administration Fund shall not be transferred to the General Fund on June 30, 2012.

Sec. 37. (*Effective from passage*) (a) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of seventy-five thousand dollars of surplus funds in the Probate Court Administration Fund shall be transferred to the Court Support Services Division of the Judicial Department on June 30, 2011, for the purpose of providing competency evaluations pursuant to section 5 of substitute house bill 6637 of the current session for children and youths in juvenile matters, as defined in section 46b-121 of the general statutes, or youth in crisis matters pursuant to section 46b-150f of the general statutes.

(b) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of seventy-five thousand dollars of surplus funds in the Probate Court Administration Fund shall be transferred to the Court Support Services Division of the Judicial Department on June 30, 2012, for the purpose of providing competency evaluations pursuant to section 5 of substitute house bill 6637 of the current session for children and youths in juvenile matters, as defined in section 46b-121 of the general statutes, or youth in crisis matters pursuant to section 46b-150f of the general statutes.

Sec. 38. Section 14-270c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The [**Commissioners of Public Safety and**] Commissioner of Motor Vehicles shall staff, and shall coordinate coverage and hours of operation of, the official weighing areas as follows:

(1) Greenwich: Eight work shifts in each seven-day period from Sunday through Saturday. No such shifts shall be worked consecutively, except that two shifts may be worked consecutively on not more than three days;

(2) Danbury: The ~~[Department of Public Safety shall staff three work shifts in each seven-day period from Sunday through Saturday and the]~~ Department of Motor Vehicles shall staff ~~[three]~~ six work shifts in each seven-day period from Sunday through Saturday. The Commissioner of ~~[Public Safety]~~ Motor Vehicles shall, whenever possible, coordinate coverage between this official weighing area and the official weighing area in Greenwich in order to ensure concurrent coverage;

(3) Union: Between five and eight work shifts in each seven-day period from Sunday through Saturday; ~~[. The Commissioner of Motor Vehicles shall coordinate the hours of operation of this official weighing area;]~~ and

(4) Portable scale locations: ~~[Ten shifts]~~ The Commissioner of Emergency Services and Public Protection shall assign troopers to work ten shifts in each seven-day period from Sunday through Saturday ~~[which shall be staggered]~~ to conduct commercial motor vehicle enforcement throughout the four geographical areas established by the Commissioner of ~~[Public Safety]~~ Motor Vehicles with concentration in areas that have fewer hours of operation for the permanent weighing areas.

(b) The ~~[Commissioners of Public Safety and]~~ Commissioner of Motor Vehicles shall adjust the work shifts required in subsection (a) of this section on a daily basis in order to effectuate an unpredictable schedule.

(c) The Commissioner of ~~[Public Safety]~~ Motor Vehicles may assign ~~[any remaining]~~ personnel ~~[in the traffic unit]~~ to the permanent weighing areas in Waterford and Middletown or to the portable scale operations.

(d) The Commissioner of ~~[Public Safety]~~ Emergency Services and Public Protection, in consultation with the Commissioner of Motor Vehicles, shall assign ~~[personnel from the traffic unit to work between nine and twelve shifts]~~ one trooper to each weighing area working shift in each seven-day period from Sunday through Saturday to ~~[patrol and]~~ enforce laws relative to the safe movement of all vehicles on the highways of the state.

(e) ~~[Nothing in this section shall prohibit the Commissioner of Public Safety from reassigning personnel in the traffic unit as he deems necessary in order to ensure public safety.]~~ In addition to the weighing area commercial motor vehicle enforcement activities, the Department of Emergency Services and Public Protection shall perform roaming commercial motor vehicle enforcement on the highways of the state and such work shall be assigned to troopers trained in commercial motor vehicle enforcement.

Sec. 39. Section 14-270d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The [Commercial Vehicle Safety](#) Division [[of State Police](#)] within the Department of [[Public Safety](#)] [Motor Vehicles](#) shall temporarily close any weigh station located within the state that develops a backlog of traffic entering said weigh station and therefore creates a traffic hazard.

Sec. 40. Section 14-270e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

On or before January 1, ~~[2004]~~ [2012](#), the Commissioner of Transportation, in consultation with the Department of [[Public Safety](#)] [Emergency Services and Public Protection](#) and the Department of Motor Vehicles, shall establish a program to implement regularly scheduled and enforced hours of operation for weigh stations. Not later than October 1, ~~[2004]~~ [2012](#), and annually thereafter, the commissioner shall submit a report, in accordance with section 11-4a, on the planned program to the joint standing committee of the General Assembly having cognizance of matters relating to transportation.

Sec. 41. Section 14-270f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) On and after January 1, 2008, logs shall be maintained for each shift at all weigh stations located in the state. Each log shall contain the following information with respect to each weigh station: (1) The location [,] [and](#) date [[and hours](#)] of each shift, (2) the hours the "OPEN" sign is illuminated, (3) the number of Department of Motor Vehicles and Department of [[Public Safety](#)] [Emergency Services and Public Protection](#) officers or civilian technicians for each shift, (4) the number [[and weight](#)] of all vehicles [~~inspected~~] [weighed](#), (5) the [number and](#) type of [~~vehicle~~] [safety](#) inspections, (6) the number and types of citations issued, (7) the amount of fines that may be imposed for overweight or other violations, [~~(8) the operating costs for each shift,~~] and [(9)] [\(8\)](#) the number of vehicles that pass through the weigh station during each shift. Each log shall be submitted to the Commissioner of [[Public Safety](#)] [Motor Vehicles](#). Not later than December 15, ~~[2007]~~ [2011](#), the Commissioner of [[Public Safety, in consultation with the Commissioner of](#)] Motor Vehicles [,] shall develop and distribute a form for the recording of such information.

(b) Not later than January 1, ~~[2008]~~ [2012](#), and semiannually thereafter, the Commissioner of [[Public Safety](#)] [Motor Vehicles](#) shall submit, in accordance with section 11-4a, a written report that contains a summary of the information specified in subsection (a) of this section for the preceding six-month period to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. Such report shall also be posted on the Internet web site of the [~~Departments~~] [Department](#) of Motor Vehicles. [~~and Public Safety.~~]

Sec. 42. Section 4a-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[\(a\)](#) There shall be a Department of Administrative Services. The department head shall be the Commissioner of Administrative Services, who shall be appointed by the Governor in accordance with the provisions of sections 4-5, 4-6, 4-7 and 4-8, with the powers and the duties therein prescribed.

(b) The Department of Administrative Services shall constitute a successor department to the Department of Public Works, except those duties relating to construction and construction management, in accordance with the provisions of sections 4-38d, 4-38e and 4-39. Where any order or regulation of said departments conflict, the Commissioner of Administrative Services may implement policies or procedures consistent with the provisions of titles 4a and 4b while in the process of adopting such policies or procedures in regulation form, provided notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.

(c) The Department of Administrative Services shall constitute a successor department to the Department of Information Technology in accordance with the provisions of sections 4-38d, 4-38e and 4-39. Where any order or regulation of said departments conflict, the Commissioner of Administrative Services may implement policies or procedures consistent with the provisions of title 4d while in the process of adopting such policies or procedures in regulation form, provided notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.

Sec. 43. Section 4a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Commissioner of Administrative Services shall have the following general duties and responsibilities:

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

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

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

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

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

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

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

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

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

(10) The establishing and maintaining of security standards for all facilities housing the offices and equipment of the state except (A) Department of Transportation mass transit, marine and aviation facilities, (B) the State Capitol and Legislative Office Building and related facilities, (C) facilities under the care and control of The University of Connecticut or other constituent units of the state system of higher education, (D) Judicial Department facilities, (E) Department of Emergency Services and Public Protection facilities, (F) Military Department facilities, (G) Department of Correction facilities, (H) Department of Children and Families client-occupied facilities, (I) facilities occupied by the Governor, Lieutenant Governor, Attorney General, Comptroller, Secretary of the State and Treasurer, and (J) facilities occupied by the Board of Pardons and Paroles. As used in this subdivision, "security" has the same meaning as provided in section 4b-30.

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

(c) All state agencies shall provide the commissioner with any information requested by the commissioner for purposes of maintaining the inventory required by this section, and shall notify the commissioner of any new or terminated leases of state property. The commissioner shall update such inventory not less than annually, and shall provide the Secretary of the Office of Policy and Management with a copy of the inventory whenever such inventory is updated. Not later than June 30, 2012, and annually thereafter, the commissioner shall submit a copy of such inventory, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to government administration and appropriations and the budgets of state agencies. For the purposes of this subsection, "state property" means any real property or building leased by a state agency, and "state agency" means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, vocational-technical school or other agency in the executive, legislative or judicial branch of state government.

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

Sec. 44. (*Effective July 1, 2011*) (a) (1) Wherever the term "Commissioner of Public Works" or "Public Works Commissioner" is used in the following sections of the general statutes, the term "Commissioner of Administrative Services" shall be substituted in lieu thereof; and (2) wherever the term "Department of Public Works" is used in the following sections of the general statutes, the term "Department of Administrative Services" shall be substituted in lieu thereof: 1-205, 1-210, 2-71h, 3-10, 3-14b, 4-87, 4b-2, 4b-4, 4b-12, 4b-13, 4b-17, 4b-21, 4b-24a, 4b-25, 4b-27, 4b-29, 4b-30, 4b-30a, 4b-33, 4b-34, 4b-35, 4b-46, 4b-65, 4b-67, 4b-68, 4b-69, 4b-71, 4b-72, 4b-73, 4b-74, 4b-130, 4b-132, 8-37y, 10a-89, 10a-150, 13a-80i, 13b-42, 13b-55, 16a-38h, 17b-655, 18-31b, 20-68, 20-311b, 20-503, 22a-324, 31-250, 32-6, 32-228, 45a-80, 46a-29, 51-27a, 51-27c, 51-27d, 51-51k and 51-279.

(b) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 45. (NEW) (*Effective July 1, 2011*) (a) There is established a Department of Construction Services. The department head shall be the Commissioner of Construction Services, who shall be appointed by the Governor, in accordance with the provisions of sections 4-5 to 4-8, inclusive, of the general statutes, as amended by this act, with the powers and duties prescribed in sections 4-5 to 4-8, inclusive, of the general statutes.

(b) The Department of Construction Services shall constitute a successor department to the Department of Public Works in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes with respect to those duties and functions of the Department of Public Works concerning construction and construction management pursuant to any provision of the general statutes.

(c) The Department of Construction Services shall constitute a successor department to the Department of Public Safety with respect to the Division of Fire, Emergency and Building Services within the Department of Public Safety, except the portion of said division concerning emergency services, in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

(d) The Department of Construction Services shall constitute a successor department to the Department of Education in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes with respect to the issuance of school construction grants in accordance with chapter 173 of the general statutes, as said chapter is amended by this act. On and after July 1, 2011, any regulation of the State Board of Education adopted pursuant to chapter 173 of the general statutes shall continue in force and effect until the Commissioner of Education, in consultation with the Commissioner of Construction Services, determines which regulations need to be transferred to the Department of Construction Services in accordance with chapter 54 of the general statutes and either the Department of Construction Services or State Board of Education amends such regulations to effect such transfer. Where any order or regulation of said departments conflict, the Commissioner of Construction Services or Commissioner of Education may implement policies or procedures consistent with the provisions of chapter 173 while in the process of adopting such policies or procedures in regulation form, provided

notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.

(e) Where any order or regulation of the Department of Public Works concerning construction or construction management or the Department of Public Safety, pursuant to chapter 541 of the general statutes, conflict, the Commissioner of Construction Services may implement policies and procedures consistent with the provisions of this act while in the process of adopting the policies or procedures in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are effective.

(f) The commissioner may, within available appropriations, employ any other personnel that may be necessary in the performance of the department's functions.

(g) The commissioner may enter into contracts for the furnishing by any person or agency, public or private, of services necessary for the proper execution of the duties of the department. Any such contract that has a cost of three thousand dollars or more shall be subject to the approval of the Attorney General.

(h) The commissioner may perform any other acts that may be necessary and appropriate to carry out the functions of the department as set forth in this section.

Sec. 46. Section 4-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, [Commissioner of Construction Services](#), Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Management and Homeland Security, Commissioner of Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of Mental Health and Addiction Services, Commissioner of Public Safety, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, [**Commissioner of Public Works,**] Commissioner of Veterans' Affairs, [**Chief Information Officer,**] the chairperson of the Public Utilities Control Authority, the executive director of the Board of Education and Services for the Blind, the executive director of the Connecticut Commission on Culture and Tourism, and the executive director of the Office of Military Affairs. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education.

Sec. 47. Section 4-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

There shall be within the executive branch of state government the following departments: Office of Policy and Management, Department of Administrative Services, Department of Revenue Services, Department of Banking, Department of Agriculture, Department of Children and Families, Department of Consumer Protection, Department of Correction, Department of Economic and Community Development, State Board of Education, Department of Emergency Management and Homeland Security, Department of Environmental Protection, Department of Public Health, Board of Governors of Higher Education, Insurance Department, Labor Department, Department of Mental Health and Addiction Services, Department of Developmental Services, Department of Public Safety, Department of Social Services, Department of Transportation, Department of Motor Vehicles, Department of Veterans' Affairs, [[Department of Public Works](#)] [Department of Construction Services](#) and Department of Public Utility Control.

Sec. 48. Subsection (b) of section 4a-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) Notwithstanding the provisions of subsection (a) of this section, the [[Commissioners](#)] [Commissioner](#) of Administrative Services [[and Public Works](#)] may, for a period of one year from the date such contract would otherwise expire, extend any contract in effect on May 1, 2005, with a value of fifty thousand dollars or more per year, to perform any of the following services for the state: Janitorial, building maintenance, security and food and beverage. Any such extension shall include any applicable increase in the standard wage and the payroll burden to administer the standard wage, as established by the Labor Department.

Sec. 49. Subsection (b) of section 4a-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) The committee may request any agency of the state authorized to award public works contracts or to enter into purchase of goods or services contracts to submit such information on compliance with sections 4a-60 and 4a-60g and at such times as the committee may require. The committee shall consult with the Departments of [[Public Works](#)] [Administrative Services](#), [Construction Services](#), Transportation and Economic Development and the Commission on Human Rights and Opportunities concerning compliance with the state programs for minority business enterprises. The committee shall report annually on or before February first to the Joint Standing Committee on Legislative Management on the results of its ongoing study and include its recommendations, if any, for legislation.

Sec. 50. Subsections (k) and (l) of section 4a-100 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(k) (1) Any substantial evidence of fraud in obtaining or maintaining prequalification or any materially false statement in the application, update statement or update bid statement may, in the discretion of the awarding authority, result in termination of any contract awarded the contractor by the awarding authority. The awarding authority shall provide written notice to the commissioner of such false statement not later than thirty days after discovering such false statement. The commissioner shall provide written notice of such false statement to the

Commissioner of [Public Works] [Construction Services](#), the Commissioner of Consumer Protection and the President of The University of Connecticut not later than thirty days after discovering such false statement or receiving such notice.

(2) The commissioner shall deny or revoke the prequalification of any contractor or substantial subcontractor if the commissioner finds that the contractor or substantial subcontractor, or a principal or key personnel of such contractor or substantial contractor, within the past five years (A) has included any materially false statement in a prequalification application, update statement or update bid statement, (B) has been convicted of, entered a plea of guilty or nolo contendere for, or admitted to, a crime related to the procurement or performance of any public or private construction contract, or (C) has otherwise engaged in fraud in obtaining or maintaining prequalification. Any revocation made pursuant to this subsection shall be made only after an opportunity for a hearing. Any contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the contractor or substantial subcontractor may reapply for prequalification, except that a contractor or substantial subcontractor whose prequalification has been revoked on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the contractor or substantial subcontractor may reapply for prequalification. The commissioner shall not prequalify a contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subdivision until the expiration of said two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

(l) The commissioner shall provide written notice of any revocation, disqualification, reduction in classification or capacity rating or reinstated prequalification to the Commissioner of [Public Works] [Construction Services](#), the Commissioner of Consumer Protection and the President of The University of Connecticut not later than thirty days after any final determination.

Sec. 51. Section 4b-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a)] The Commissioner of [Public Works] [Construction Services](#) shall (1) be responsible for the administrative functions of construction and planning of all capital improvements undertaken by the state, except (A) highway and bridge construction, the construction and planning of capital improvements related to mass transit, marine and aviation transportation, (B) the Connecticut Marketing Authority, (C) planning and construction of capital improvements to the State Capitol building or the Legislative Office Building and related facilities by the Joint Committee on Legislative Management, (D) any project as defined in subdivision (16) of section 10a-109c, undertaken by The University of Connecticut, and (E) construction and planning of capital improvements related to the Judicial Department if such construction and planning do not constitute a project within the meaning of subsection (g) of section 4b-55, including the preparation of preliminary plans, estimates of cost, development of designs, working plans and specifications, award of contracts and supervision and inspection. For the purposes of this subparagraph (E), the term "Judicial Department" does not include the courts of probate, the Division of Criminal Justice and the Public Defender Services Commission,

except where such agencies share facilities in state-maintained courts; (2) select consultant firms in accordance with the provisions of sections 4b-56 to 4b-59, inclusive, to assist in the development of plans and specifications when in the commissioner's judgment such assistance is desirable; (3) render technical advice and service to all state agencies in the preparation and correlation of plans for necessary improvement of their physical plants; and (4) cooperate with those charged with fiscal programming and budget formulation in the development of a capital program and a capital budget for the state.] (5) be responsible for the purchase, sale, lease, sublease and acquisition of property and space to house state agencies and, subject to the provisions of section 4b-21, the sale or exchange of any land or interest in land belonging to the state; (6) maintain a complete and current inventory of all state-owned or leased property and premises, including space-utilization data; (7) supervise the care and control of buildings and grounds owned or leased by the state in Hartford, except the building and grounds of the State Capitol and the Legislative Office Building and parking garage and related structures and facilities and grounds, as provided in section 2-71h, and the Connecticut Marketing Authority and property under the supervision of the Office of the Chief Court Administrator under the terms of section 4b-11; and (8) be responsible for the administrative functions of establishing and maintaining security standards for all facilities housing the offices and equipment of the state except (A) Department of Transportation mass transit, marine and aviation facilities, (B) the State Capitol and the Legislative Office Building and related facilities, (C) facilities under the care and control of The University of Connecticut or other constituent units of the state system of higher education, (D) Judicial Department facilities, (E) Department of Public Safety facilities, (F) Military Department facilities, (G) Department of Correction facilities, (H) Department of Children and Families client-occupied facilities, (I) facilities occupied by the Governor, Lieutenant Governor, Attorney General, Comptroller, Secretary of the State and Treasurer, and (J) facilities occupied by the Board of Pardons and Paroles. As used in this subdivision, "security" has the meaning assigned to it in section 4b-130. Subject to the provisions of chapter 67, said commissioner may appoint such employees as are necessary for carrying out the duties prescribed to said commissioner by the general statutes.]

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

Sec. 52. Section 4b-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a State Properties Review Board which shall consist of six members appointed as follows: The speaker of the House and president pro tempore of the Senate shall jointly appoint three members, one of whom shall be experienced in matters relating to architecture, one experienced in building construction matters and one in matters relating to engineering; and the minority leader of the House and the minority leader of the Senate shall

jointly appoint three members, one of whom shall be experienced in matters relating to the purchase, sale and lease of real estate and buildings, one experienced in business matters generally and one experienced in the management and operation of state institutions. No more than three of said six members shall be of the same political party. One of the members first appointed by the speaker and the president pro tempore shall serve a two-year term, one shall serve a three-year term and one shall serve a four-year term. One of the members first appointed by the minority leaders of the House and Senate shall serve a two-year term, one shall serve a three-year term and one shall serve a four-year term. All appointments of members to replace those whose terms expire shall be for a term of four years and until their successors have been appointed and qualified. If any vacancy occurs on the board, the appointing authorities having the power to make the initial appointment under the provisions of this section shall appoint a person for the unexpired term in accordance with the provisions hereof.

(b) The chairman of the board shall be compensated two hundred dollars per diem up to a maximum of thirty thousand dollars annually. Other members of the board shall be compensated two hundred dollars per diem up to a maximum of twenty-five thousand dollars annually. The members of the board shall choose their own chairman. No person shall serve on this board who holds another state or municipal governmental position and no person on the board shall be directly involved in any enterprise which does business with the state or directly or indirectly involved in any enterprise concerned with real estate acquisition or development.

(c) The board may adopt such rules as it deems necessary for the conduct of its internal affairs, in accordance with section 4-167.

(d) Notwithstanding any other statute or special act to the contrary, the Commissioner of [\[Public Works\] Administrative Services](#) shall be the sole person authorized to represent the state in its dealings with third parties for the acquisition [\[, construction, development\]](#) or leasing of real estate for housing the offices or equipment of all agencies of the state or for the state-owned public buildings or realty [\[hereinafter\] and the Commissioner of Construction Services shall be the sole person authorized to represent the state in its dealings with third parties for the construction or development of real estate or state-owned public buildings or realty, as](#) provided for in sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, [as amended by this act](#), 4b-24, [as amended by this act](#), 4b-26, [as amended by this act](#), 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, [as amended by this act](#), 10a-89, 10a-90, [as amended by this act](#), 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint Committee on Legislative Management may represent the state in the planning and construction of the Legislative Office Building and related facilities, in Hartford; (2) the Chief Court Administrator may represent the state in providing for space for the Court Support Services Division as part of a new or existing contract for an alternative incarceration program pursuant to section 54-103b or a program developed pursuant to section 46b-121i, 46b-121j, 46b-121k or 46b-121l; (3) the board of trustees of a constituent unit of the state system of higher education may represent the state in the leasing of real estate for housing the offices or equipment of such constituent unit, provided no lease payments for such realty are made with

funds generated from the general revenues of the state; (4) the Labor Commissioner may represent the state in the leasing of premises required for employment security operations as provided in subsection (c) of section 31-250; (5) the Commissioner of Developmental Services may represent the state in the leasing of residential property as part of the program developed pursuant to subsection (b) of section 17a-218, provided such residential property does not exceed two thousand five hundred square feet, for the community placement of persons eligible to receive residential services from the department; and (6) the Connecticut Marketing Authority may represent the state in the leasing of land or markets under the control of the Connecticut Marketing Authority, and, except for the housing of offices or equipment in connection with the initial acquisition of an existing state mass transit system or the leasing of land by the Connecticut Marketing Authority for a term of one year or more in which cases the actions of the Department of Transportation and the Connecticut Marketing Authority shall be subject to the review and approval of the State Properties Review Board. The Commissioner of [Public Works] [Administrative Services](#) shall have the power to establish and implement any procedures necessary for the commissioner to assume the commissioner's responsibilities as said sole bargaining agent for state realty acquisitions and shall perform the duties necessary to carry out such procedures. The Commissioner of [Public Works] [Administrative Services or Construction Services](#) may appoint, within [the commissioner's] [each department's](#) budget and subject to the provisions of chapter 67, such personnel deemed necessary by the [applicable](#) commissioner to carry out the provisions hereof, including experts in real estate, construction operations, financing, banking, contracting, architecture and engineering. The Attorney General's office, at the request of the [commissioner] [Commissioner of Administrative Services](#), shall assist the [commissioner] [Commissioner of Administrative Services](#) in contract negotiations regarding the purchase [,] [or lease \[or construction\]](#) of real estate, [and, at the request of the Commissioner of Construction Services, shall assist said commissioner in contract negotiations regarding the construction of real estate.](#)

(e) The State Properties Review Board shall be within the Department of Administrative Services and shall have independent decision-making authority.

(f) The State Properties Review Board shall review real estate acquisitions, sales, leases and subleases proposed by the Commissioner of [Public Works] [Administrative Services](#), the acquisition, other than by condemnation, or the sale or lease of any property by the Commissioner of Transportation under subdivision (12) of section 13b-4, subject to section 4b-23, [as amended by this act](#), and subsection (h) of section 13a-73, [as amended by this act](#), and review, for approval or disapproval, any contract for a project described in subsection (h) of section 4b-91. Such review shall consider all aspects of the proposed actions, including feasibility and method of acquisition and the prudence of the business method proposed. The board shall also cooperate with and advise and assist the Commissioner of [Public Works] [Administrative Services](#) and the Commissioner of Transportation in carrying out their duties. The board shall have access to all information, files and records, including financial records, of the Commissioner of [Public Works] [Administrative Services](#) and the Commissioner of Transportation, and shall, when necessary, be entitled to the use of personnel employed by said commissioners. The board shall approve or disapprove any acquisition of development rights of agricultural land by the Commissioner of Agriculture under section 22-26cc. The board shall hear any appeal under section 8-273a and shall render a final decision on the

appeal within thirty days thereafter. The written decision of the board shall be a final decision for the purposes of sections 4-180 and 4-183.

Sec. 53. Section 4b-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The [commissioner] [Commissioner of Administrative Services](#) shall cause the national and the state flags to be displayed on the State Armory, State Office Building, state police building and the State Library in Hartford, from sunrise to sunset of each day.

Sec. 54. Subsection (a) of section 4b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Each state agency having care, control and supervision of state property, including the Judicial Department and the Joint Committee on Legislative Management of the General Assembly, shall prepare [on or before October 1, 1990,] and [thereafter] periodically update, in consultation with the Commissioners of Environmental Protection and [[Public Works](#)] [Administrative Services](#), a plan for each facility under its care, control or supervision to (1) reduce the use of disposable and single-use products, in accordance with the plan adopted by the Commissioner of Administrative Services pursuant to section 4a-67b, (2) separate and collect items designated as either suitable or required for recycling pursuant to section 22a-241b. Such plan shall establish a schedule for implementation of the policies recommended in the plan.

Sec. 55. Section 4b-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) As used in this section, "facility" means buildings and real property owned or leased by the state. The Secretary of the Office of Policy and Management shall establish guidelines which further define such term. All agencies and departments of the state shall notify the Secretary of the Office of Policy and Management of their facility needs including, but not limited to, the types of such facilities and the municipalities or general location for the facilities. Each agency and department shall continue long-range planning for facility needs, establish a plan for its long-range facility needs and submit such plan and related facility project requests to the Secretary of the Office of Policy and Management, and a copy thereof to the Commissioner of [[Public Works](#)] [Administrative Services](#), on or before September first of each even-numbered year. Each such request shall be accompanied by a capital development impact statement, as required by section 4-66b, and a colocation statement, as required by section 4b-31, if the secretary so requires. Each agency and department shall base its long-term planning for facility needs on a program plan. The secretary shall establish a content guide and schedule for such plans. Each agency and department shall prepare its program plan in accordance with such guide and file it with the secretary pursuant to such schedule. Facility plans shall include, but not be limited to: Identification of (1) long-term and short-term facility needs, (2) opportunities for the substitution of state-owned space for leased space, (3) facilities proposed for demolition or abandonment which have potential for other uses and (4) space modifications or relocations that could result in cost or energy savings. Each agency or department program plan and

facility plan and its facility project requests shall cover a period of at least five years. The secretary shall provide agencies and departments with instructions for preparing program plans, long-term facility plans and facility project requests and shall provide appropriate programmatic planning assistance. The **[Commissioner of Public Works]** [Commissioners of Administrative Services and Construction Services](#) shall assist agencies and departments with long-term facilities planning and the preparation of cost estimates for such plans and requests. The Secretary of the Office of Policy and Management shall review such plans and prepare an integrated state facility plan which meets the aggregate facility needs of the state. The secretary shall review the cost effective retrofit measures recommended to him by the Commissioner of **[Public Works]** [Construction Services](#) under subsection (b) of section 16a-38a and include in the plan those measures which would best attain the energy performance standards established under subdivision (1) of subsection (b) of section 16a-38.

(b) On or before December first of each even-numbered year, the Commissioner of **[Public Works]** [Administrative Services](#) shall provide the Secretary of the Office of Policy and Management with a review of the plans and requests submitted pursuant to subsection (a) of this section for consistency with realistic cost factors, space requirements, space standards, implementation schedules, priority needs, objectives of the Commissioner of **[Public Works]** [Administrative Services](#) in carrying out his responsibilities under section 4b-30 and the need for the maintenance, improvement and replacement of state facilities.

(c) The Secretary of the Office of Policy and Management shall present a proposed state facility plan to the Properties Review Board on or before February fifteenth of each odd-numbered year. Such plan shall be known as the recommended state facility plan and shall include all leases and capital projects and a statement of the degree to which it promotes the colocation goals addressed in subsection (e) of section 4b-31. The secretary shall establish guidelines defining "capital projects". The Properties Review Board shall submit its recommendations to the secretary on or before March first of each odd-numbered year. The Properties Review Board recommendations shall address the goals described in subsection (e) of section 4b-31. The secretary shall present the recommended state facility plan to the General Assembly on or before March fifteenth of each odd-numbered year.

(d) Upon the approval by the General Assembly of the operating and capital budget appropriations, the Secretary of the Office of Policy and Management shall update and modify the recommended state facility plan, which shall then be known as the state facility plan. The state facility plan shall be used as an advisory document for the leasing of property for use by state agencies and departments and for related capital projects.

(e) Implementation of the state facility plan shall be the responsibility of the Commissioner of **[Public Works. He]** [Administrative Services who](#) shall conduct a study of each proposed facility in the plan to determine: (1) The method of choice for satisfying each such facility need, (2) the geographical areas best suited to such need, (3) the feasibility and cost of such acquisition using a life-cycle cost analysis as established by subdivision (2) of subsection (b) of section 16a-38, (4) the degree to which the plan promotes the goals addressed in subsection (e) of section 4b-31, and (5) any other relevant factors. Said commissioner shall review and approve each facility plan implementation action and shall submit to the Properties Review

Board a list of each such action approved and the method and plan by which it shall be accomplished. Said commissioner shall endeavor to locate human services agencies in the same buildings as municipal and private agencies that provide human services. The results of said commissioner's study along with all supportive materials shall be immediately sent to the Properties Review Board. The board shall meet to review the decision of the commissioner and may request the commissioner or any member of his department, and the head of the requesting agency or any of his employees to appear for the purpose of supplying pertinent information. Said board shall call a meeting within two weeks of the receipt of the commissioner's decision, and may meet as often as necessary, to review said decision. The board, within ninety days after the receipt of the decision of the Commissioner of **[Public Works]** [Administrative Services](#), shall either accept, reject or request modification of such decision, except that when more time is required, the board may have a ninety-day extension of time, provided the board shall advise the Commissioner of **[Public Works]** [Administrative Services](#) in writing as to the reasons for such extension of time. If such decision is disapproved by the board, it shall so inform the commissioner along with its reasons therefor, and the commissioner shall inform the head of the requesting agency and the Secretary of the Office of Policy and Management that its request has been rejected. If such decision is approved by the board it shall inform the commissioner of such approval and the commissioner shall immediately communicate his decision to the head or acting head of such governmental unit and to the Secretary of the Office of Policy and Management and shall set forth the procedures to be taken to accomplish the results of such decision. The decision to make public such decision shall rest solely with the **[commissioner]** [Commissioner of Administrative Services](#) both as to time and manner of disclosure, but in no event shall such period exceed one year. The commissioner shall, when he deems it to be in the public interest, authorize the disclosure of such information; however, in the absence of such authorization, any unauthorized disclosure shall be subject to the criminal provisions of section 4b-27. All decisions made by the commissioner under the provisions of this section shall require review by the board. Except as otherwise hereinafter provided, the approval or disapproval of the Properties Review Board shall be binding on the commissioner and the requesting agency with regard to the acquisition of any real estate by lease or otherwise, notwithstanding any other statute or special act to the contrary. A majority vote of the board shall be required to accept or reject a decision of the commissioner.

(f) Within forty-five days from the date of the board's decision regarding the request of a governmental unit, the head or acting head of such unit shall notify the **[commissioner]** [Commissioner of Administrative Services](#) (1) that it accepts his decision, (2) that it rejects his decision and withdraws its request, or (3) that it does not approve such decision and requests that all or part of such decision be modified by the commissioner. When such modification is requested, the **[commissioner]** [Commissioner of Administrative Services](#) shall, within three weeks from receipt of such request, consider and act upon such request for modification and submit his decision to the Properties Review Board. If the commissioner and the board fail to agree to such modification in whole or in part, the governmental unit may, within ten days from the date of notification of such final decision, accept the commissioner's final decision, reject such decision and withdraw its request, or appeal to the Governor. Upon such appeal, the **[commissioner]** [Commissioner of Administrative Services](#) shall submit a report to the

Governor stating the board's conclusions and supporting material therefor and the governmental agency shall submit a report to the Governor stating its objections to such decision and its supporting material therefor. The Governor shall, within thirty days of the receipt of such reports, make a decision which shall be binding on the parties involved. In the absence of any such appeal or withdrawal of request, the decision of the commissioner and the board shall be final and binding upon the governmental unit.

(g) After final action is taken approving any request or modification thereof, condemnation procedures shall continue to be prosecuted in the same manner as they were on July 1, 1975, by the agency involved, where such procedures are applicable and authorized by statute.

(h) Approval by the Properties Review Board shall not be required prior to State Bond Commission authorization of funds (1) for planning costs and other preliminary expenses for any construction or acquisition project, or (2) for any construction or acquisition project for which an architect was selected prior to July 1, 1975.

(i) As used in this subsection, (1) "project" means any state program, except the downtown Hartford higher education center project, as defined in subsection (l) of section 4b-55, requiring consultant services if the cost of such services is estimated to exceed one hundred thousand dollars or, in the case of a constituent unit of the state system of higher education, the cost of such services is estimated to exceed three hundred thousand dollars, or in the case of a building or premises under the supervision of the Office of the Chief Court Administrator or property where the Judicial Department is the primary occupant, the cost of such services is estimated to exceed three hundred thousand dollars; (2) "consultant" means "consultant" as defined in section 4b-55; and (3) "consultant services" means "consultant services" as defined in section 4b-55. Any contracts entered into by the [commissioner] [Commissioner of Construction Services](#) with any consultants for employment (A) for any project under the provisions of this section, (B) in connection with a list established under subsection (d) of section 4b-51, or (C) by task letter issued by the [commissioner] [Commissioner of Construction Services](#) to any consultant on such list pursuant to which the consultant will provide services valued in excess of one hundred thousand dollars, shall be subject to the approval of the Properties Review Board prior to the employment of said consultant or consultants by the commissioner. The Properties Review Board shall, within thirty days, approve or disapprove the selection of or contract with any consultant made by the Commissioner of [Public Works] [Construction Services](#) pursuant to sections 4b-1, [as amended by this act](#), and 4b-55 to 4b-59, inclusive. If upon the expiration of the thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such selection or contract.

(j) The Properties Review Board shall, within thirty days, approve or disapprove the proposed acquisition by lease of any residential property by the Commissioner of Developmental Services pursuant to subsection (d) of section 4b-3, [as amended by this act](#). If upon the expiration of such thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such lease.

(k) Any agency or department of state government requiring additional facilities not included in the state facility plan may submit a request to the Secretary of the Office of Policy and

Management outlining the justification for its request. The agency or department shall also provide (1) in the case of a request not previously submitted to the secretary pursuant to subsection (a) of this section, the reasons why it was not so submitted, and (2) in the case of a request so submitted, sufficient new information to warrant reconsideration. Such request shall include a statement of the degree to which the proposed state facility plan promotes the goals addressed in subsection (e) of section 4b-31, if the secretary so requires. Such request shall also be accompanied by a capital development impact statement as required under section 4-66b, if the secretary so requires. Subsections (b) to (d), inclusive, of this section shall not apply to the review of such requests. Any such request for additional facilities which are determined by the Secretary of the Office of Policy and Management to be of emergency nature or the lack of which may seriously hinder the efficient operation of the state, may be approved by the Properties Review Board and the Secretary of the Office of Policy and Management and shall be known as an approval made during the interim between state facility plans. No action may be taken by the state to lease or construct such additional facilities unless the secretary makes such a determination.

(l) The Commissioner of [\[Public Works\]](#) [Administrative Services](#) shall monitor the amount of leased space being requested and the costs of all proposed and approved facility project actions and, in the case of space or facility projects for which bond funds were authorized, shall advise the Secretary of the Office of Policy and Management and the Governor when the space to be leased or the forecast costs to complete the project exceed the square footage amount or the cost levels in the approved state facility plan by ten per cent or more. Approval of the Secretary of the Office of Policy and Management, the Properties Review Board, the State Bond Commission and the Governor shall be required to continue the project.

(m) (1) Plans to construct, renovate or modify state-owned or occupied buildings shall provide for a portion of the total planned floor area of newly constructed state buildings or buildings constructed specifically for use by the state to be served by renewable sources of energy, including solar, wind, water and biomass sources, for use in space heating and cooling, domestic hot water and other applications. For the plan due December 1, 1979, the portion to be served by renewable energy sources shall be not less than five per cent of total planned new floor area. For each succeeding state facilities plan submitted after December 1, 1979, the portion of the total planned floor area of any additional newly constructed state buildings or buildings constructed specifically for use by the state to be served by renewable energy sources shall be increased by at least five per cent per year until a goal of fifty per cent of total planned floor area of any additional newly constructed state buildings or buildings constructed specifically for use by the state is reached. For any facility served by renewable energy sources in accordance with this subsection, not less than thirty per cent of the total energy requirements of any specific energy application, including, but not limited to, space heating or cooling and providing domestic hot water, shall be provided by renewable energy sources. The installation in newly constructed state buildings or buildings constructed specifically for use by the state of systems using renewable energy sources in accordance with this subsection, shall be subject to the life-cycle cost analysis provided for in section 16a-38. (2) The state shall fulfill the obligations imposed by subdivision (1) of this section unless such action would cause an undue economic hardship to the state.

(n) The recommended state facility plan shall include policies for:

(1) The encouragement of the acquisition, transfer and utilization of space in suitable buildings of historic, architectural or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

(2) The encouragement of the location of commercial, cultural, educational and recreational facilities and activities within public buildings;

(3) The provision and maintenance of space, facilities and activities to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into and through public buildings, permitting cooperative improvements to and uses of the areas between the building and the street, so that such activities complement and supplement commercial, cultural, educational and recreational resources in the neighborhood of public buildings;

(4) The encouragement of the public use of public buildings for cultural, educational and recreational activities;

(5) The encouragement of the ownership or leasing of modern buildings to replace obsolete facilities, achieve cost and energy efficiencies, maximize delivery of services to the public, preserve existing infrastructure and provide a comfortable and space-efficient work environment; and

(6) The encouragement of the establishment of child day care facilities and child development centers including provisions for (A) full-day and year-round programs for children of working parents, (B) opportunities for parents to choose among accredited public or private programs, (C) open enrollment for children in child day care and school readiness programs, and (D) incentives for the colocation and service integration of child day care programs and school readiness programs pursuant to section 4b-31.

(o) [Not later than January 1, 1988, the] [The](#) Commissioner of [[Public Works](#)] [Administrative Services](#) shall adopt regulations, in consultation with the Secretary of the Office of Policy and Management and the State Properties Review Board, and in accordance with the provisions of chapter 54, setting forth the procedures which the Department of [[Public Works](#)] [Administrative Services](#) and [[such](#)] [said](#) office and board shall follow in carrying out their responsibilities concerning state leasing of offices, space or other facilities. Such regulations shall specify, for each step in the leasing process at which an approval is needed in order to proceed to the next step, what information shall be required, who shall provide the information and the criteria for granting the approval. Notwithstanding any other provision of the general statutes, such regulations shall provide that: (1) The Commissioner of [[Public Works](#)] [Administrative Services](#) shall (A) review all lease requests included in, and scheduled to begin during, the first year of each approved state-wide facility and capital plan and (B) provide the Secretary of the Office of Policy and Management with an estimate of the gross cost and total square footage need for each lease, (2) the secretary shall approve a gross cost and a total square footage for each such lease and transmit each decision to the requesting

agency, the commissioner and the State Properties Review Board, (3) **[the commissioner]** any agency seeking to enter into a lease, lease renewal or hold over agreement shall submit such lease, renewal or agreement to the secretary[,] for approval, **[only negotiated lease requests which exceed such approved cost, or which exceed such approved square footage by at least ten per cent,]** and (4) the secretary shall approve or disapprove any such lease request or agreement not more than ten working days after **[he]** the secretary receives the request or agreement. **[If the secretary fails to act on the request during such period, the request shall be deemed to have been approved and shall be forwarded to the board.]**

Sec. 56. Section 4b-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

In acting as the determining authority in fulfilling the needs of the various departments and agencies of state government, except the Legislative Department, and choosing the method of acquisition which shall be pursued in the open competitive market, the **[commissioner]** Commissioner of Administrative Services shall have the following duties:

(1) **[(A) Compile]** The commissioner shall (A) compile and maintain a comprehensive and complete **[inventories]** inventory of all the improved and unimproved real estate available to the state by virtue of **[ownership or]** lease. The actual mechanical compilation of such **[inventories]** inventory may be handled, at the request of the commissioner, by the Secretary of the Office of Policy and Management; provided such compilation shall be available to the Commissioner of **[Public Works]** Administrative Services at all times. Such inventory shall be used by the commissioner as the primary source for meeting state needs, and shall be shared with the review board and with the Secretary of the Office of Policy and Management; and (B) **[prepare an annual inventory of improved and unimproved real estate which is owned by the state and which is unused or underutilized and study and make recommendations concerning the reuse or disposition of such real estate; (C)]** identify in the **[inventories]** inventory required **[under subparagraphs (A) and (B),]** under this subdivision existing buildings that (i) are of historic, architectural or cultural significance, including buildings listed or eligible to be listed in the national register established under the National Historic Preservation Act of 1966, 80 Stat. 915 (1966), 16 USC 470a and (ii) would be suitable, whether or not in need of repair, alteration or addition, to meet the public building needs of the state or to meet the needs of the public in accordance with the provisions of subsection (m) of section 4b-23.

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

[(3) Whenever the commissioner has established specific plans and specifications for new construction on state land or new construction for sale to the state: (A) If it appears to the commissioner that the cost of the project shall be less than five hundred thousand dollars, contracts shall be made, where practicable, through a process of sealed bidding as provided in section 4b-91 relating to projects in excess of five hundred thousand dollars; (B) if it appears to the commissioner that the space needs of the requesting agency are less than five thousand

square feet, the commissioner shall, whenever practicable, carry on advertising, in accordance with the provisions of section 4b-34 relating to projects in excess of five thousand square feet, in order to allow an equal opportunity for third parties to do business with the state without regard to political affiliation, political contributions or relationships with persons in state, federal or local governmental positions.

(4) The commissioner may designate projects to be accomplished on a total cost basis for (A) new facilities to provide for the substantial space needs of a requesting agency, (B) the installation of mechanical or electrical equipment systems in existing state facilities, or (C) the demolition of any state facility that the commissioner is authorized to demolish under the general statutes. If the commissioner designates a project as a designated total cost basis project, the commissioner may enter into a single contract with a private developer which may include such project elements as site acquisition, architectural design and construction. The commissioner shall select a private developer from among the developers who are selected and recommended by the award panels established in this subdivision. All contracts for such designated projects shall be based on competitive proposals received by the commissioner, who shall give notice of such project, and specifications for the project, by advertising, at least once, in a newspaper having a substantial circulation in the area in which such project is to be located. No contract which includes the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state for which the total cost is estimated to be more than five hundred thousand dollars may be awarded to a person who is not prequalified for the work in accordance with section 4a-100. The commissioner shall determine all other requirements and conditions for such proposals and awards and shall have sole responsibility for all other aspects of such contracts. Such contracts shall state clearly the responsibilities of the developer to deliver a completed and acceptable product on a date certain, the maximum cost of the project and, as a separate item, the cost of site acquisition, if applicable. No such contract may be entered into by the commissioner without the prior approval of the State Properties Review Board and unless funding has been authorized pursuant to the general statutes or a public or special act.]

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

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

[(7)] (5) After the authorization of a project under the provisions of section 4b-23, as amended by this act, the public auditors of the state and the auditors or accountants of the Commissioner of [Public Works] Administrative Services or Construction Services, as applicable, shall have the right to audit the books of any contractor employed by [the] either commissioner pursuant to such authorization, or of any party negotiating with the [commissioner] Commissioner of Administrative Services for the acquisition of land by lease

or otherwise; provided, however, that any such audit shall be limited to the project authorized by the [commissioner] [Commissioner of Administrative Services or Construction Services](#) and the Properties Review Board, and provided further that in the case of a party negotiating with the [commissioner] [Commissioner of Administrative Services](#), such audit may also be conducted after the negotiations have ended, if a contract is consummated with [the] [either](#) commissioner.

Sec. 57. (NEW) (*Effective July 1, 2011*) (a) Whenever realty uses designed uniquely for state use and for periods over five years are concerned, the Commissioner of Construction Services shall, whenever practicable, attempt to construct on state-owned land. Whenever the Commissioner of Construction Services has established specific plans and specifications for new construction on state land or new construction for sale to the state: (1) If it appears to the commissioner that the cost of the project shall be less than five hundred thousand dollars, contracts shall be made, where practicable, through a process of sealed bidding as provided in section 4b-91 of the general statutes relating to projects in excess of five hundred thousand dollars; (2) if it appears to the commissioner that the space needs of the requesting agency are less than five thousand square feet, the commissioner shall, whenever practicable, carry on advertising, in accordance with the provisions of section 4b-34 of the general statutes relating to projects in excess of five thousand square feet, in order to allow an equal opportunity for third parties to do business with the state without regard to political affiliation, political contributions or relationships with persons in state, federal or local governmental positions.

(b) The commissioner may designate projects to be accomplished on a total cost basis for (1) new facilities to provide for the substantial space needs of a requesting agency, (2) the installation of mechanical or electrical equipment systems in existing state facilities, or (3) the demolition of any state facility that the commissioner is authorized to demolish under the general statutes. If the commissioner designates a project as a designated total cost basis project, the commissioner may enter into a single contract with a private developer which may include such project elements as site acquisition, architectural design and construction. The commissioner shall select a private developer from among the developers who are selected and recommended by the award panels established in this subdivision. All contracts for such designated projects shall be based on competitive proposals received by the commissioner, who shall give notice of such project, and specifications for the project, by advertising, at least once, in a newspaper having a substantial circulation in the area in which such project is to be located. No contract which includes the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state for which the total cost is estimated to be more than five hundred thousand dollars may be awarded to a person who is not prequalified for the work in accordance with section 4a-100 of the general statutes. The commissioner shall determine all other requirements and conditions for such proposals and awards and shall have sole responsibility for all other aspects of such contracts. Such contracts shall state clearly the responsibilities of the developer to deliver a completed and acceptable product on a date certain, the maximum cost of the project and, as a separate item, the cost of site acquisition, if applicable. No such contract may be entered into by the commissioner without the prior approval of the State Properties Review Board and unless funding has been authorized pursuant to the general statutes or a public or special act.

Sec. 58. Section 4b-26 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

- (a) The expert members of the staff of the [commissioner] [Commissioner of Administrative Services](#) shall be responsible for ensuring that sellers, lessors, and contractors strictly comply with all agreed plans, specifications, requirements and contractual terms.
- (b) The Attorney General shall be responsible for determining the legal sufficiency of all contracts and leases, both as to substance and to form, and said Attorney General shall enforce all terms of all agreements, including, but not limited to, the obligations of all landlords to meet the terms of leases.
- (c) In any lease containing a tax escalation clause, there shall be a provision that the state shall be relieved of all liability for increased taxes unless the landlord shall notify the [commissioner] [Commissioner of Administrative Services](#) of any pending increase in sufficient time to permit the state, on behalf of the landlord, to contest such increase if the commissioner determines it to be appropriate.
- (d) The Attorney General shall determine when to take any such appeal and shall be responsible for perfecting and prosecuting such appeal.

Sec. 59. Section 4b-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Subject to the provisions of section 4b-30, [as amended by this act](#), the [commissioner] [Commissioner of Construction Services](#) may enter into contracts for the construction upon state-owned land of buildings or facilities or both, and the [Commissioner of Administrative Services may enter into contracts for the](#) subsequent leasing [\[thereof\] of such building or facilities](#) to the state to meet the needs of agencies and institutions, without first leasing the underlying state-owned land to the developer. Such contracts shall contain provisions providing for the state to buy the buildings and facilities for a lump sum at stated times during or at the end of the lease term or, at the state's option, to buy the same by paying the purchase price in installments.

Sec. 60. Section 4b-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Commissioner of [Public Works] [Administrative Services](#) may accept and execute any trusts, testamentary or otherwise, created or established for the purpose of procuring, erecting and maintaining any memorial on public grounds or within public buildings of the state or any municipality therein, and the court of probate in which a will creating any such trust has been proved may appoint said commissioner as trustee to execute such trust without requiring said commissioner to furnish a probate bond as such trustee; but this section shall not be construed as empowering said commissioner to erect or maintain any such memorial upon the grounds or within or upon any public building belonging to the state without the consent of the General Assembly, nor upon any grounds nor within or upon any public building

belonging to any city or town, without the consent of the common council of the city or the selectmen of the town, as the case may be. The commissioner shall not, without special authority from the General Assembly [or without consultation with the Commissioner of Construction Services](#), make, erect or remove from its location any statue or sculpture upon the property of the state.

Sec. 61. Section 4b-66a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Connecticut Capitol Center Commission. The commission shall consist of (1) the Secretary of the Office of Policy and Management, or the secretary's designee; (2) the Commissioner of ~~Public Works~~ [Administrative Services](#), or the commissioner's designee; (3) the Commissioner of Economic and Community Development, or the commissioner's designee; (4) the executive director of the Connecticut Commission on Culture and Tourism, or the executive director's designee; (5) [the Commissioner of Construction Services, or the commissioner's designee](#); (6) one member appointed by the speaker of the House of Representatives; ~~[(6)]~~ (7) one member appointed by the president pro tempore of the Senate; ~~[(7)]~~ (8) one member appointed by the majority leader of the House of Representatives; ~~[(8)]~~ (9) one member appointed by the majority leader of the Senate; ~~[(9)]~~ (10) one member appointed by the minority leader of the House of Representatives; ~~[(10)]~~ (11) one member appointed by the minority leader of the Senate; ~~[(11)]~~ (12) the chairperson of the Hartford Commission on the City Plan; ~~[(12)]~~ (13) one member appointed by the mayor of the city of Hartford; and ~~[(13)]~~ (14) one member from the South Downtown Neighborhood Revitalization Committee.

(b) The Secretary of the Office of Policy and Management, or the secretary's designee, shall serve as chairperson of the commission. The chairperson shall schedule the first meeting of the commission which shall be held no later than sixty days after October 1, 2001.

(c) The commission shall review the master plan for the development of the Connecticut Capitol Center in Hartford and make recommendations in accordance with section 4b-66, [as amended by this act](#).

Sec. 62. Section 4b-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The ~~commissioner~~ [Commissioner of Administrative Services](#) may conduct or require a security audit of any building or structure owned or leased by a state agency, as defined in section 4b-130, to determine the security characteristics of such building or structure. Such security audit shall be conducted in cooperation with the state agency owning or occupying the building or structure.

(b) Any recommendations for security improvements in any such security audit shall be based on the audit's findings and, at a minimum, shall bring the audited building or structure into compliance with the security standards established under section 4b-132.

(c) The [commissioner] [Commissioner of Construction Services](#) shall be the sole authority and have all oversight responsibility for implementing security audit recommendations for capital improvements made under subsections (a) and (b) of this section. Such responsibility shall include, but not be limited to, prioritizing facilities requiring security improvements.

(d) Notwithstanding subsection (a) of this section, the [commissioner] [Commissioner of Administrative Services](#) may waive the requirement for a security audit for any building or structure if an assessment of the facility's security needs, comparable in the commissioner's opinion to a Department of [Public Works]' [Administrative Services](#)' security audit, has been applied to the facility.

Sec. 63. Section 4b-134 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) [On or after October 1, 1999, the] [The](#) Commissioner of [Public Works] [Construction Services](#) shall determine whether each renovation project for a state agency building or structure under this title would have a significant impact on the security characteristics of the building or structure. If the [commissioner] [Commissioner of Construction Services](#) determines that the project would have a significant impact on such security characteristics, [the] [said](#) commissioner shall review the preliminary design for the project for compliance with the security standards established under section 4b-132. The [commissioner] [Commissioner of Construction Services](#) shall not approve any such preliminary design unless (1) the building or structure has had a security audit, and (2) the [commissioner] [Commissioner of Construction Services](#) determines, based on such review and audit, that such preliminary design meets or exceeds such security standards.

(b) [On or after October 1, 1999, the commissioner] [The Commissioner of Construction Services](#) shall review the preliminary design for each project for new construction for a state agency under this title for compliance with the security standards established under section 4b-132, [as amended by this act](#). The [commissioner] [Commissioner of Construction Services](#) shall not approve any such preliminary design unless the [commissioner] [Commissioner of Construction Services](#) determines, based on such review, that such preliminary design meets or exceeds such security standards.

Sec. 64. Subsection (a) of section 4b-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a State-Wide Security Management Council. The council shall consist of the [following members or their designees](#): [The](#) Commissioner of Public Safety, the Commissioner of Administrative Services, the Commissioner of Mental Health and Addiction Services, the Commissioner of [Public Works] [Construction Services](#), the Commissioner of Emergency Management and Homeland Security, the Secretary of the Office of Policy and Management, the Chief Court Administrator, [an attorney appointed by the Commissioner of Public Works,] the executive director of the Joint Committee on Legislative Management, a representative of the Governor, a representative of the State Employees Bargaining Agent Coalition, [\[and\]](#) the president of the Connecticut State Police Union [\[or the president's](#)

[designee](#)] [and the president of the Uniformed Professional Fire Fighters Association](#). The Commissioner of [\[Public Works\] Administrative Services](#) shall serve as chairperson of the council. Each council member shall provide technical assistance in the member's area of expertise, as required by the council.

Sec. 65. Subsection (a) of section 4d-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Geospatial Information Systems Council consisting of the following members, or their designees: (1) The Secretary of the Office of Policy and Management; (2) the Commissioners of Environmental Protection, Economic and Community Development, Transportation, Public Safety, Public Health, [\[Public Works\] Construction Services](#), [Administrative Services](#), Agriculture, Emergency Management and Homeland Security and Social Services; [\[\(3\) the Chief Information Officer of the Department of Information Technology; \(4\)\]](#) [\(3\)](#) the Chancellor of the Connecticut State University System; [\[\(5\)\]](#) [\(4\)](#) the president of The University of Connecticut; [\[\(6\)\]](#) [\(5\)](#) the Executive Director of the Connecticut Siting Council; [\[\(7\)\]](#) [\(6\)](#) one member who is a user of geospatial information systems appointed by the president pro tempore of the Senate representing a municipality with a population of more than sixty thousand; [\[\(8\)\]](#) [\(7\)](#) one member who is a user of geospatial information systems appointed by the minority leader of the Senate representing a regional planning agency; [\[\(9\)\]](#) [\(8\)](#) one member who is a user of geospatial information systems appointed by the Governor representing a municipality with a population of less than sixty thousand but more than thirty thousand; [\[\(10\)\]](#) [\(9\)](#) one member who is a user of geospatial information systems appointed by the speaker of the House of Representatives representing a municipality with a population of less than thirty thousand; [\[\(11\)\]](#) [\(10\)](#) one member appointed by the minority leader of the House of Representatives who is a user of geospatial information systems; [\[\(12\)\]](#) [\(11\)](#) the chairperson of the Public Utilities Control Authority; [\[\(13\)\]](#) [\(12\)](#) the Adjutant General of the Military Department; and [\[\(14\)\]](#) [\(13\)](#) any other persons the council deems necessary appointed by the council. The Governor shall select the chairperson from among the members. The chairperson shall administer the affairs of the council. Vacancies shall be filled by appointment by the authority making the appointment. Members shall receive no compensation for their services on said council, but shall be reimbursed for necessary expenses incurred in the performance of their duties. Said council shall hold one meeting each calendar quarter and such additional meetings as may be prescribed by council rules. In addition, special meetings may be called by the chairperson or by any three members upon delivery of forty-eight hours written notice to each member.

Sec. 66. Section 4e-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

There is established a Contracting Standards Advisory Council, which shall consist of representatives from the Office of Policy and Management, Departments of Administrative Services, Transportation [[Public Works and Information Technology](#)] [and Construction Services](#) and representatives of at least three additional contracting agencies, including at least one human services related state agency, designated by the Governor. The Chief Procurement Officer shall be a member of the council and serve as chairperson. The advisory council shall

meet at least four times per year to discuss state procurement issues and to make recommendations for improvement of the procurement processes to the State Contracting Standards Board. The advisory council may conduct studies, research and analyses and make reports and recommendations with respect to subjects or matters within the jurisdiction of the State Contracting Standards Board.

Sec. 67. Subsection (h) of section 13a-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(h) All sales or exchanges of surplus property by the Department of Transportation and matters dealing with the initial acquisition of any existing mass transit system or the purchase or sale of properties acquired in connection with any state highway system or mass transit system shall be subject to review and approval of the State Properties Review Board except that those acquisitions and administrative settlements relating to such properties which involve sums not in excess of five thousand dollars shall be reported to the board by the Commissioner of Transportation but shall not be subject to such review and approval. The **[Commissioner of Public Works]** [Secretary of the Office of Policy and Management](#) shall be informed for inventory purposes of any transfer effectuated in connection with this section. The State Properties Review Board shall not grant such approval if the Department of Transportation has failed to comply with any applicable statutes in connection with the proposed action.

Sec. 68. Subsection (b) of section 16a-35c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) The Secretary of the Office of Policy and Management, in consultation with the Commissioners of Economic and Community Development, Environmental Protection, **[Public Works]** [Administrative Services](#), Agriculture, Transportation, the chairman of the Transportation Strategy Board, the regional planning agencies in the state and any other persons or entities the secretary deems necessary shall develop recommendations for delineation of the boundaries of priority funding areas in the state and for revisions thereafter. In making such recommendations the secretary shall consider areas designated as regional centers, growth areas, neighborhood conservation areas and rural community centers on the state plan of conservation and development, redevelopment areas, distressed municipalities, as defined in section 32-9p; targeted investment communities, as defined in section 32-222; public investment communities, as defined in section 7-545, enterprise zones, designated by the Commissioner of Economic and Community Development under section 32-70, corridor management areas identified in the state plan of conservation and development and the principles of the Transportation Strategy Board approved under section 13b-57h. The secretary shall submit the recommendations to the Continuing Legislative Committee on State Planning and Development established pursuant to section 4-60d for review when the state plan of conservation and development is submitted to such committee in accordance with section 16a-29. The committee shall report its recommendations to the General Assembly at the time said state plan is submitted to the General Assembly under section 16a-30. The boundaries shall become effective upon approval of the General Assembly.

Sec. 69. Section 22a-26a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Department of Environmental Protection, in consultation with the Departments of Transportation and [Public Works] [Administrative Services](#), The University of Connecticut and other state agencies with jurisdiction over state-owned properties, shall identify state-owned properties which provide public access to the waters of Long Island Sound and, in addition, identify other properties which the state may acquire to provide public access to the waters of Long Island Sound. The properties to be identified shall include highway easements, bridge crossings, university-owned lands, railroad rights-of-way and other coastal or riverfront properties owned or controlled by the state or by others. State-owned properties which are used for non-water-dependent activities shall be assessed for reclassification to public water-dependent use or shared use. The department shall submit a report of its findings to the joint standing committee of the General Assembly having cognizance of matters concerning the environment on or before October 1, 1992, and the Comptroller shall cause such findings to be added to and made a part of the inventory of state property required pursuant to the provisions of section 4-36.

Sec. 70. Subsection (b) of section 22a-354i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) In adopting such regulations, the commissioner shall consider the guidelines for aquifer protection areas recommended in the report prepared pursuant to special act 87-63, as amended, and shall avoid duplication and inconsistency with other state or federal laws and regulations affecting aquifers. The regulations shall be developed in consultation with an advisory committee appointed by the commissioner. The advisory committee shall include the Commissioners of [Public Works] [Construction Services](#) and Public Health and the chairperson of the Public Utilities Control Authority, or their designees, members of the public, and representatives of businesses affected by the regulations, agriculture, environmental groups, municipal officers and water companies.

Sec. 71. Subsection (c) of section 31-57c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(c) The Commissioner of [Public Works] [Construction Services](#) may disqualify any contractor, for up to two years, from bidding on, applying for, or participating as a subcontractor under, contracts with the state, acting through any of its departments, commissions or other agencies, except the Department of Administrative Services, the Department of Transportation and the constituent units of the state system of higher education, for one or more causes set forth under subsection (d) of this section. The commissioner may initiate a disqualification proceeding only after consulting with the contract awarding agency, if any, and the Attorney General and shall provide notice and an opportunity for a hearing to the contractor who is the subject of the proceeding. The hearing shall be conducted in accordance with the contested case procedures set forth in chapter 54. The commissioner shall issue a written decision within ninety days of the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The

existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the contractor shall be disqualified. In determining whether to disqualify a contractor, the commissioner shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The commissioner shall send the decision to the contractor by certified mail, return receipt requested. The written decision shall be a final decision for the purposes of sections 4-180 and 4-183.

Sec. 72. Section 31-390 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Labor Commissioner and the Commissioners of Economic and Community Development and **[Public Works]** [Construction Services](#) shall have the right of inspection of any such project at any time.

(b) The Labor Commissioner and the Commissioners of Economic and Community Development and **[Public Works]** [Construction Services](#) and the Secretary of the Office of Policy and Management are authorized to make orders, establish guidelines and adopt regulations under the provisions of chapter 54 with respect to the implementation of this chapter.

(c) At the request of the commissioners, any agency or department of the executive branch shall advise and assist the commissioners in the implementation of this chapter.

Sec. 73. Section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each state agency, department, board and commission [with twenty-five, or more, full-time employees](#) shall develop and implement, in cooperation with the Commission on Human Rights and Opportunities, an affirmative action plan that commits the agency, department, board or commission to a program of affirmative action in all aspects of personnel and administration. Such plan shall be developed pursuant to regulations adopted by the Commission on Human Rights and Opportunities in accordance with chapter 54 to ensure that affirmative action is undertaken as required by state and federal law to provide equal employment opportunities and to comply with all responsibilities under the provisions of sections 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, section 46a-64c and sections 46a-70 to 46a-78, inclusive. The executive head of each such agency, department, board or commission shall be directly responsible for the development, filing and implementation of such affirmative action plan. The Metropolitan District of Hartford County shall be deemed to be a state agency for purposes of this section.

(b) (1) Each state agency, department, board or commission shall designate a full-time or part-time **[affirmative action]** [equal employment opportunity](#) officer. If such **[affirmative action]** [equal employment opportunity](#) officer is an employee of the agency, department, board or commission, the executive head of the agency, department, board or commission shall be directly responsible for the supervision of the officer.

(2) The Commission on Human Rights and Opportunities shall provide training and technical assistance to **[affirmative action]** [equal employment opportunity](#) officers in plan development and implementation.

(3) The Commission on Human Rights and Opportunities and the Permanent Commission on the Status of Women shall provide training concerning state and federal discrimination laws and techniques for conducting investigations of discrimination complaints to persons designated by state agencies, departments, boards or commissions as **[affirmative action]** [equal employment opportunity](#) officers and persons designated by the Attorney General or the Attorney General's designee to represent such agencies, departments, boards or commissions pursuant to subdivision (5) of this subsection. **[Such]** [On or after October 1, 2011, such](#) training shall be provided for a minimum of **[ten]** [five](#) hours during the first year of service or designation, and a minimum of **[five]** [three](#) hours **[per year]** [every two years](#) thereafter.

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

(B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii) and (A)(iii) of this subdivision, if a discrimination complaint is made against the executive head of a state agency or department, any member of a state board or commission or any **[affirmative action]** [equal employment opportunity](#) officer alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, or if a complaint of discrimination is made by the executive head of a state agency, any member of a state board or commission or any **[affirmative action]** [equal employment opportunity](#) officer, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation by the Department of Administrative Services, [except if any such complaint has been filed with the Equal Employment Opportunity Commission or the Commission on Human Rights and Opportunities, the Commission on Human Rights and Opportunities or Department of Administrative Services may rely upon the process of the applicable commission in lieu of such investigation.](#) If the discrimination complaint is made by or against the executive head, any member or the **[affirmative action]** [equal employment opportunity](#) officer of the Commission on Human Rights and Opportunities alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, the commission shall refer the complaint to the Department of Administrative Services for review and, if appropriate, investigation. If the complaint is by or against the executive head or **[affirmative action]** [equal employment opportunity](#) officer of the Department of Administrative Services, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation. Each person who conducts an

investigation pursuant to this subparagraph shall report all findings and recommendations upon the conclusion of such investigation to the appointing authority of the individual who was the subject of the complaint for proper action. The provisions of this subparagraph shall apply to any such complaint pending on or after July 5, 2007.

(5) Each person designated by a state agency, department, board or commission as an [\[affirmative action\] equal employment opportunity](#) officer, and each person designated by the Attorney General or the Attorney General's designee to represent an agency pursuant to subdivision (6) of this subsection, shall complete training provided by the Commission on Human Rights and Opportunities and the Permanent Commission on the Status of Women pursuant to subdivision (3) of this subsection.

(6) No person designated by a state agency, department, board or commission as an [\[affirmative action\] equal employment opportunity](#) officer shall represent such agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission concerning a discrimination complaint. If a discrimination complaint is filed with the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission against a state agency, department, board or commission, the Attorney General, or the Attorney General's designee, other than the [\[affirmative action\] equal employment opportunity](#) officer for such agency, department, board or commission, shall represent the state agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission. In the case of a discrimination complaint filed against the Metropolitan District of Hartford County, the Attorney General, or the Attorney General's designee, shall not represent such district before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission.

(c) Each state agency, department, board and commission [that employs two hundred fifty or more full-time employees](#) shall file an affirmative action plan developed in accordance with subsection (a) of this section, with the Commission on Human Rights and Opportunities, semiannually, except that any state agency, department, board or commission which has an affirmative action plan approved by the commission may be permitted to file its plan on an annual basis in a manner prescribed by the commission and any state agency, department, board or commission that employs [\[twenty or fewer\] twenty-five or more employees but fewer than two hundred fifty](#) full-time employees shall file its affirmative action plan biennially, [unless the commission disapproves the most recent submission of the plan, in which case the commission may require the resubmission of such plan by a time chosen by the commission, until the plan is approved. All affirmative action plans shall be filed electronically.](#)

(d) The Commission on Human Rights and Opportunities shall review and formally approve, conditionally approve or disapprove the content of such affirmative action plans within ninety days of the submission of each plan to the commission. If the commissioners, by a majority vote of those present and voting, fail to approve, conditionally approve or disapprove a plan within [\[that\] such](#) period, the plan shall be deemed to be approved. [Any plan that is filed more than ninety days after the date such plan is due to be filed in accordance with the schedule](#)

established pursuant to subsection (g) of this section, shall be deemed disapproved.

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

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

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

Sec. 74. Section 10a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Board of Governors of Higher Education shall, in consultation with the institutions of the state system of higher education and the constituent unit boards of trustees, develop a strategic plan, consistent with the affirmative action plan submitted to the Commission on Human Rights and Opportunities in accordance with section 46a-68, as amended by this act, to ensure that students, faculty, administrators and staff at each institution are representative of the racial and ethnic diversity of the total population of the state. For each institution there shall be an approved plan which shall include goals, programs and timetables for achieving those goals, and a procedure to monitor annually the results of these programs and a procedure to take corrective action if necessary. The Board of Governors of Higher Education shall also develop policies to guide [affirmative action] equal employment opportunity officers and programs in all constituent units and at each institution of public higher education.

(b) The Board of Governors of Higher Education shall report annually to the Governor and General Assembly on the activities undertaken by the board in accordance with subsection (a) of this section. The report shall include institutional goals and plans for attaining such goals, as well as changes in enrollment and employment at the state's institutions of public higher education. If it is determined that an institution has failed to achieve the goals set out pursuant to this section, such institution shall develop a plan of corrective procedures to ensure that such goals are achieved, subject to the approval of the Board of Governors of Higher Education. The Board of Governors of Higher Education may establish a minority advancement program to reward and support efforts by institutions within the state system of higher education towards meeting the goals established in the strategic plan developed pursuant to subsection (a) of this section.

Sec. 75. (NEW) (*Effective from passage*) (a) Not later than July 1, 2011, the executive director of

the Commission on Human Rights and Opportunities shall convene a working group to review the commission's existing regulations governing affirmative action plans adopted in accordance with section 46a-68 of the general statutes, as amended by this act, and to recommend amendments to such regulations. Such working group shall consist of the executive director, the Secretary of the Office of Policy and Management, or a designee, the Commissioner of Administrative Services, or a designee, and eight other members selected by the executive director who have experience in one or more of the following: (1) Drafting affirmative action plans for state agencies, (2) affirmative action law, (3) affirmative action education, or (4) the impact of affirmative action on minority communities. Such eight members shall include at least one representative of each of the following: (A) A regulation and protection agency, (B) a conservation and development agency, (C) a human services agency, (D) a transportation agency, and (E) an education agency. The executive director shall serve as chairperson of the working group.

(b) The working group shall examine and issue recommendations concerning (1) the elimination of unnecessary or redundant provisions of such regulations, (2) improvements in the use of state-wide data and systems, including, but not limited to, CORE-CT, Labor Department data and census data for efficient information collection concerning affirmative action plans, (3) whether all provisions of the regulations are in accordance with state and federal law and are constitutional, and (4) a reorganization of the regulations to streamline content and structure in order to provide a more useful resource for state agencies, departments, boards and commissions. Not later than November 1, 2011, the working group shall issue recommendations concerning amendments to such regulations.

(c) Not later than January 1, 2012, the Commission on Human Rights and Opportunities shall publish notice of its intention to amend its regulations to implement the recommendations of the working group in the Connecticut Law Journal in accordance with the provisions of section 4-168 of the general statutes.

Sec. 76. (*Effective July 1, 2011*) (a) (1) Wherever the term "Chief Information Officer of the Department of Information Technology" is used in the following general statutes, the term "Commissioner of Administrative Services" shall be substituted in lieu thereof; (2) wherever the term "Chief Information Officer" is used in the following general statutes, the term "commissioner" shall be substituted in lieu thereof; and (3) wherever the term "Department of Information Technology" is used in the following general statutes, the term "Department of Administrative Services" shall be substituted in lieu thereof: 1-205, 1-211, 1-212, 1-283, 4d-3, 4d-5, 4d-10, 4d-11, 4d-13, 4d-14, 4d-38, 4d-41, 4d-42, 4d-43, 4d-81a, 4d-82a, 4d-83, 4d-84, 10-5b, 10-10a, 18-81x, 19a-110, 19a-750, 32-6i, 54-105a, 54-142q, 54-142r and 54-142s.

(b) Wherever the term "Department of Information Technology" is used in any public or special act of 2011, the term "Department of Administrative Services" shall be substituted in lieu thereof. Wherever the term "Chief Information Officer of the Department of Information Technology" is used in any public or special act of 2011, the term "Commissioner of Administrative Services" shall be substituted in lieu thereof. Wherever the term "Chief Information Officer" is used in any public or special act of 2011, the term "commissioner" shall be substituted in lieu thereof.

(c) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 77. Section 4d-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in this chapter, unless the context indicates a different meaning:

(1) "Architecture" means the defined structure or orderly arrangement of information systems and telecommunication systems, based on accepted industry standards and guidelines, for the purpose of maximizing the interconnection and efficiency of such systems and the ability of users to share information resources.

(2) "Information systems" means the combination of data processing hardware and software in the collection, processing and distribution of data to and from interactive computer-based systems to meet informational needs.

(3) "State agency" means each department, board, council, commission, institution or other agency of the Executive Department of the state government, provided each board, council, commission, institution or other agency included by law within any given department shall be deemed a division of that department. The term "state agency" shall include (A) the offices of the Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of the State and Comptroller, and (B) all operations of an Executive Department agency which are funded by either the General Fund or a special fund.

(4) "Telecommunication systems" means telephone equipment and transmission facilities, either alone or in combination with information systems, for the electronic distribution of all forms of information, including voice, data and images.

[(5) "Chief Information Officer" means the department head for the Department of Information Technology.]

(5) "Commissioner" means the Commissioner of Administrative Services.

Sec. 78. Section 4d-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There **[is established the Department]** shall be a Division of Information Technology within the Department of Administrative Services. The **[Department of Information Technology shall be administered by a]** Commissioner of Administrative Services shall appoint a Chief Information Officer to administer the division, who shall be exempt from the classified service. The Chief Information Officer **[, who]** shall be an individual knowledgeable with respect to information and telecommunication systems. **[The Chief Information Officer shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive, with the powers and duties prescribed in said sections.]**

[(b) The Department of Information Technology shall constitute a successor department to the Office of Information and Technology, in accordance with the provisions of sections 4-38d, 4-38e and 4-39.]

[(c) (b) The [Chief Information Officer] Commissioner of Administrative Services shall: (1) [Develop and implement an integrated set of policies and architecture pertaining to information and telecommunication systems for state agencies; (2) develop a series of comprehensive standards and planning guidelines pertaining to the development, acquisition, implementation, and oversight and management of information and telecommunication systems for state agencies; (3) identify] Identify and implement (A) optimal information and telecommunication systems to efficiently service the needs of state agencies, and (B) opportunities for reducing costs for such systems; [(4)] (2) approve or disapprove, in accordance with guidelines established by the [Chief Information Officer] commissioner, each proposed state agency acquisition of hardware or software for an information or telecommunication system, except for (A) hardware or software having a cost of less than twenty thousand dollars, or (B) hardware or software having a cost of twenty thousand dollars or more, but less than one hundred thousand dollars, which is for a project that complies with the agency's business systems plan; [as approved by the Chief Information Officer; (5)] (3) approve or disapprove, in accordance with guidelines established by the [Chief Information Officer] commissioner, all state agency requests or proposed contracts for consultants for information and telecommunication systems; [(6)] (4) be responsible for purchasing, leasing and contracting for all information system and telecommunication system facilities, equipment and services for state agencies, in accordance with the provisions of subsection (a) of section 4d-8, except for the offices of the Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of the State and Comptroller; [(7)] (5) review existing and new information and telecommunication system technologies to ensure consistency with the strategic plan established under section 4d-7, as amended by this act, and approved state agency architecture and make recommendations to the Standardization Committee established under section 4a-58 for review and appropriate action; [(8)] (6) cooperate with the General Assembly, the Judicial Department and the constituent units of the state system of higher education in assessing opportunities for cost savings and greater sharing of information resources which could result if such entities acquire information and telecommunication systems similar to those of state agencies; [(9)] (7) ensure state-wide implementation of the 9-1-1 and E 9-1-1 systems; and [(10)] (8) report annually, on or before February fifteenth, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and government administration and elections on all technology projects on which the department is working or that the department plans to undertake.

[(d) (c) The Department of [Information Technology] Administrative Services shall approve or disapprove a state agency request or proposed contract under subdivision [(4) or (5)] (2) or (3) of subsection [(c) (a)] of this section no later than seven business days after receipt of the request or proposed contract and any necessary supporting information. If the Department of [Information Technology] Administrative Services does not approve or disapprove the request or proposed contract by the end of such seven-day period, the request or proposed contract shall be deemed to have been approved. The provisions of [said] subdivision [(5)] (3) of

[subsection \(b\) of this section](#) shall not apply to telecommunication consultants retained by the Department of Public Utility Control or the Office of Consumer Counsel in connection with telecommunication proceedings of said department.

Sec. 79. Section 4d-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The [**Chief Information Officer**] [Commissioner of Administrative Services](#) shall develop, publish and annually update an information and telecommunication systems strategic plan, [in accordance with the policies established by the Office of Policy and Management](#), which shall have the following goals: (1) To provide a level of voice and data communications service among all state agencies that will ensure the effective and efficient completion of their respective functions; (2) **[to establish a direction for the collection, storage, management and use of information by state agencies in an efficient manner; (3) to develop a comprehensive information policy for state agencies that clearly articulates (A) the state's commitment to the sharing of its information resources, (B) the relationship of such resources to library and other information resources in the state, and (C) a philosophy of equal access to information; (4)]** to provide all necessary telecommunication services between state agencies and the public; **[(5)] (3)** to provide, in the event of an emergency, immediate voice and data communications and critical application recovery capabilities which are necessary to support state agency functions; and **[(6)] (4)** to provide necessary access to higher technology for state agencies.

(b) In order to facilitate the development of a fully integrated state-wide information services and telecommunication system which effectively and efficiently supports data processing and telecommunication requirements of all state agencies, the strategic plan shall include: (1) Establishment of guidelines and standards for the architecture for information and telecommunication systems which support state agencies; (2) plans for a cost-effective state-wide telecommunication network to support state agencies, which network may consist of different types of transmission media, including wire, fiber and radio, and shall be able to support voice, data, video and facsimile transmission requirements and any other form of information exchange which takes place via electromagnetic media; (3) a level of information systems and telecommunication planning for all state agencies and operations throughout the state that will ensure the effective and efficient utilization and access to the state's information and telecommunication resources, including but not limited to, (A) an inventory of existing on-line public access arrangements for state agency data bases which contain information subject to disclosure under the Freedom of Information Act, as defined in section 1-200, (B) a list of data bases for which such access could be provided, including data bases containing consumer, business and health and human services program information, (C) provisions addressing the feasibility and cost of providing such access, (D) provisions for a public-private partnership in providing such on-line access, and (E) provisions to enable citizens to communicate with state agencies by electronic mail; [and](#) (4) identification of annual expenditures and major capital commitments for information and telecommunication systems. **[; and (5) a direction and policy planning pertaining to the infusion of new technology for such systems for state agencies.]** In carrying out the provisions of subparagraphs (A) to (E), inclusive, of subdivision (3) of this subsection, the [**Chief Information Officer**] [Commissioner of Administrative Services](#) shall consult with representatives of business associations,

consumer organizations and nonprofit human services providers.

(c) Each state agency shall submit to the [Chief Information Officer] [Commissioner of Administrative Services](#) all plans, documents and other information requested by the [Chief Information Officer] [commissioner](#) for the development of such plan.

(d) The [Chief Information Officer] [Commissioner of Administrative Services](#) shall not implement a state agency proposal for information system hardware, software, maintenance service or consulting unless such proposal complies with the strategic plan and the agency's approved business systems plan. The [Chief Information Officer] [commissioner](#) shall maintain a current inventory of information system components to facilitate asset management and procurement leverage.

Sec. 80. Section 4d-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The provisions of title 4a shall apply to the purchasing, leasing and contracting for information system and telecommunication system facilities, equipment and services. **[by the Chief Information Officer, except that (1) the Chief Information Officer shall have the powers and duties that are assigned by said title 4a to the Commissioner of Administrative Services and (2) the Chief Information Officer may use competitive negotiation, as defined in section 4a-50, to purchase or contract for such facilities, equipment and services after making a written determination, including the reasons therefor, that such action is in the best interest of the state. The Chief Information Officer shall adopt regulations, in accordance with the provisions of chapter 54, establishing objective standards for determining when such competitive negotiation may be used instead of competitive bidding, including whether the character of the facilities, equipment or services is more important than their relative cost.]**

(b) (1) As used in this subsection, "information technology personal property" includes, but is not limited to, electronic data processing equipment, other equipment necessary for the utilization of information systems, telecommunication equipment or installations, and other equipment necessary for the utilization of telecommunication systems.

(2) Notwithstanding any provision of the general statutes to the contrary, the [Chief Information Officer] [Commissioner of Administrative Services](#) may sell, lease or otherwise dispose of information technology personal property. The [Chief Information Officer] [commissioner](#) may execute personal service agreements or other contracts with outside vendors for such purposes. If any such information technology personal property was purchased or improved with the proceeds of tax-exempt obligations issued or to be issued by the state, the [Chief Information Officer] [commissioner](#) shall notify the State Treasurer and obtain the approval of the State Treasurer, before selling, leasing or disposing of the personal property or executing such an agreement or contract for such purpose. The State Treasurer may disapprove such sale, lease, disposition, agreement or contract only if it would affect the tax-exempt status of such obligations and could not be modified to maintain such tax-exempt status.

Sec. 81. Section 4d-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

There shall be a Technical Services Revolving Fund in the Department of **[Information Technology]** [Administrative Services](#) for the purchase, installation and utilization of information systems, as defined in section 4d-1, [as amended by this act](#), for budgeted agencies of the state. The **[Chief Information Officer]** [Commissioner of Administrative Services](#) and the Secretary of the Office of Policy and Management shall jointly be responsible for the administration of **[such]** [said](#) fund. Said **[officer]** [commissioner](#) and secretary shall develop appropriate review procedures and accountability standards for **[such]** [said](#) fund and measures for determining the performance of the fund in carrying out the purposes of this part.

Sec. 82. Section 4d-12 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The **[Chief Information Officer]** [Commissioner of Administrative Services](#) may establish such committees as he deems necessary to advise **[said office]** [the commissioner](#) in carrying out the purposes of sections 4d-1 to 4d-5, inclusive, [as amended by this act](#), section 4d-7, [as amended by this act](#), and sections 4d-11 to 4d-14, inclusive, [as amended by this act](#).

(b) There is established an information and telecommunication systems executive steering committee consisting of the **[Chief Information Officer]** [Commissioner of Administrative Services](#), the Secretary of the Office of Policy and Management, the Comptroller, the Treasurer **[the Commissioner of Administrative Services]** and the chairperson of the board of trustees of each constituent unit of the state system of higher education, or their designees. The **[Chief Information Officer]** [Commissioner of Administrative Services](#), or **[his]** [a](#) designee, shall serve as **[chairman]** [chairperson](#) of the committee. The Department of **[Information Technology]** [Administrative Services](#) shall serve as staff to the committee. The committee shall (1) review and approve or disapprove the annual information and telecommunication systems strategic plan developed under section 4d-7, [as amended by this act](#), state agency estimates of expenditure requirements for information and telecommunication systems established under section 4d-11, [as amended by this act](#), and major telecommunication initiatives, (2) review, in consultation with the Department of **[Information Technology]** [Administrative Services](#), and approve or disapprove variances to (A) the list of approved architectural components for information and telecommunication systems for state agencies, (B) the strategic plan, and (C) appropriations for information and telecommunication systems, and (3) advise the Department of **[Information Technology]** [Administrative Services](#) on the organization and functions of the department [in regards to information and telecommunication systems](#). The committee shall submit a report on each approved variance to the General Assembly. Such report shall include the reasons for the variance and the results of a cost-benefit analysis on the variance.

Sec. 83. Section 4d-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No contractor shall award a subcontract for work under a contract or for work under an amendment to a contract without the approval of the [Chief Information Officer] [Commissioner of Administrative Services](#) or [his] a designee of (1) the selection of the subcontractor, and (2) [the disclosure of](#) the provisions of the subcontract.

(b) Each such contractor shall file a copy of each executed subcontract or amendment to the subcontract with the [Chief Information Officer] [Commissioner of Administrative Services](#), who shall maintain the subcontract or amendment as a public record, as defined in section 1-200.

Sec. 84. Subsection (a) of section 4d-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No contracts or amendments to contracts for information system or telecommunication system facilities, equipment or services, which are entered into by any state agency (1) pursuant to the request for proposal issued by the Department of Administrative Services dated February 21, 1997, or (2) in the event such request for proposal is withdrawn, suspended or superseded, pursuant to any similar request for proposal issued by the Department of Administrative Services, [or the Department of Information Technology,] shall be effective except as provided in this section and sections 4d-46 and 4d-47.

Sec. 85. Subsection (a) of section 4d-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Commission for Educational Technology within the Department of [Information Technology for administrative purposes only] [Administrative Services](#). The commission shall consist of: (1) The [Chief Information Officer of the Department of Information Technology] [Commissioner of Administrative Services](#), or the [Chief Information Officer's] [commissioner's](#) designee, the Commissioners of Education and Higher Education, or their designees, the State Librarian, or the State Librarian's designee, the chairperson of the Department of Public Utility Control, or the chairperson's designee, the chief executive officers of the constituent units of the state system of higher education, or their designees, (2) one member each representing the Connecticut Conference of Independent Colleges, the Connecticut Association of Boards of Education, the Connecticut Association of Public School Superintendents, the Connecticut Educators Computer Association, and the Connecticut Library Association, (3) a secondary school teacher designated by the Connecticut Education Association and an elementary school teacher designated by the Connecticut Federation of Educational and Professional Employees, and (4) four members who represent business and have expertise in information technology, one each appointed by the Governor, the Lieutenant Governor, the speaker of the House of Representatives and the president pro tempore of the Senate. The Lieutenant Governor shall convene the first meeting of the commission on or before September 1, 2000.

Sec. 86. Subsection (c) of section 4e-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(c) All state agencies in the executive branch, the constituent units of the state system of higher education and quasi-public agencies shall post all bids, requests for proposals and all resulting contracts and agreements on the State Contracting Portal and shall, with the assistance of the Department of Administrative Services [**and the Department of Information Technology**] as needed, develop the infrastructure and capability to electronically communicate with the State Contracting Portal.

Sec. 87. Subsection (a) of section 10a-151b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Notwithstanding the provisions of chapter 58, and sections 4-98, 4a-4, 4a-5, 4a-6, 4d-2, and 4d-5 to the contrary, a chief executive officer may purchase equipment, supplies and contractual services, execute personal service agreements, as defined in section 4-212, or lease personal property compatible, where relevant, with standards for computer architecture established by the Department of [**Information Technology**] Administrative Services, without the approval of the Comptroller, the Secretary of the Office of Policy and Management or the Commissioner of Administrative Services, [**or the Chief Information Officer**], provided the Chief Executive Officer consults with the [**Chief Information Officer**] commissioner and such purchases are made in accordance with this section and in accordance with policies which are (1) adopted by the board of trustees of the constituent unit after reasonable opportunity for interested persons to present their views, and (2) subject to section 4-175. For purposes of this section, "chief executive officer" means the chief executive officer of a constituent unit of the state system of higher education or the chief executive officer of an institution within the jurisdiction of such a constituent unit. The provisions of sections 4-212 to 4-219, inclusive, and section 9 of public act 93-336 shall not apply to personal service agreements executed pursuant to this section.

Sec. 88. Section 14-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Commissioner of Motor Vehicles and the [**Chief Information Officer of the Department of Information Technology**] Commissioner of Administrative Services shall enter into an agreement with one or more federally-designated organ and tissue procurement organizations to provide to such organizations access to the names, dates of birth and other pertinent information of holders of operator's licenses and identity cards issued pursuant to section 1-1h who have registered with the Department of Motor Vehicles an intent to become organ and tissue donors. Such access shall be provided in a manner and form to be determined by the [**commissioner and Chief Information Officer**] commissioners, following consultation with such organizations, and may include electronic transmission of initial information and periodic updating of information. The [**commissioner**] Commissioner of Motor Vehicles shall not charge a fee for such access pursuant to section 14-50a, but may charge such organizations reasonable administrative costs. Information provided to such organizations shall be used solely for identifying such license holders as organ and tissue donors.

(b) The Commissioner of Motor Vehicles shall include in regulations adopted pursuant to sections 14-36f and 14-78 a requirement that a description of the purposes and procedures of

procurement organizations, as defined in section 19a-289a, be included in driver education programs.

Sec. 89. Section 19a-25e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Department of Public Health and The University of Connecticut Health Center may, within available appropriations, develop a Connecticut Health Information Network plan to securely integrate state health and social services data, consistent with state and federal privacy laws, within and across The University of Connecticut Health Center and the Departments of Public Health, Developmental Services and Children and Families. Data from other state agencies may be integrated into the network as funding permits and as permissible under federal law.

(b) The Department of Public Health and The Center for Public Health and Health Policy at The University of Connecticut Health Center shall collaborate with the Departments of [\[Information Technology\]](#) [Administrative Services](#), Developmental Services, and Children and Families to develop the Connecticut Health Information Network plan.

(c) The plan shall: (1) Include research in and describe existing health and human services data; (2) inventory the various health and human services data aggregation initiatives currently underway; (3) include a framework and options for the implementation of a Connecticut Health Information Network, including query functionality to obtain aggregate data on key health indicators within the state; (4) identify and comply with confidentiality, security and privacy standards; and (5) include a detailed cost estimate for implementation and potential sources of funding.

Sec. 90. (*Effective July 1, 2011*) (a) (1) Wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Construction Services" shall be substituted in lieu thereof, and (2) wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Construction Services" shall be substituted in lieu thereof: 10a-91d, 10a-109ff, 17a-154, 21a-86f, 29-109, 29-117, 29-127, 29-191, 29-192, 29-199, 29-200, 29-201, 29-204, 29-221, 29-222, 29-224b, 29-232, 29-233, 29-234, 29-235, 29-236, 29-237, 29-238, 29-239, 29-240, 29-244, 29-251, 29-251a, 29-251b, 29-251c, 29-252, 29-252a, 29-254b, 29-256, 29-256a, 29-256b, 29-258, 29-261, 29-262, 29-262a, 29-263, 29-269a, 29-298a, 29-313, 29-315, 29-317, 29-317, as amended by section 7 of public act 09-177 and sections 1 and 6 of public act 10-54, 29-319, 29-320, 29-320, as amended by section 8 of public act 09-177 and sections 2 and 6 of public act 10-54, 29-321, 29-322, 29-325, 29-331, 29-331, as amended by section 14 of public act 09-177 and section 6 of public act 10-54, 29-332, 29-333, 29-337, 29-337, as amended by section 15 of public act 09-177 and section 6 of public act 10-54, 29-338, 29-339, 29-344, 29-345, 29-346, 29-349, 29-355, 29-359, 29-367, 29-367, as amended by section 18 of public act 09-177 and sections 4 and 6 of public act 10-54, 29-401, 29-402 and 29-403.

(b) (1) Wherever the term "Commissioner of Public Works" is used in the following general statutes, the term "Commissioner of Construction Services" shall be substituted in lieu thereof; and (2) wherever the term "Department of Public Works" is used in the following general

statutes, the term "Department of Construction Services" shall be substituted in lieu thereof: 3-20, 3-21d, 4-61, 4-89, 4b-1a, 4b-16, 4b-22a, 4b-51, 4b-51a, 4b-53, 4b-54, 4b-55, 4b-55a, 4b-56, 4b-60, 4b-63, 4b-70, 4b-91, 4b-100, 4b-100a, 4b-102, 4b-103, 5-142, 7-323p, 10a-4a, 10a-91c, 10a-91d, 13b-20n, 16a-37u, 16a-37v, 16a-38, 16a-38a, 16a-38b, 16a-38d, 16a-38i, 16a-38j, 16a-38l, 16a-38m, 16a-39, 17a-27, 17a-27c, 17a-27d, 17a-451b, 17b-739, 22-64, 22a-6, 22a-12, 22a-439a, 22a-459, 26-3, 27-45, 27-131, 28-1b, 31-57, 32-612, 32-613, 32-655a, 32-656 and 49-41b.

(c) (1) Wherever the term "Commissioner of Education" is used in the following sections of the general statutes, the term "Commissioner of Construction Services" shall be substituted in lieu thereof; and (2) wherever the term "Department of Education" is used in the following sections of the general statutes, the term "Department of Construction Services" shall be substituted in lieu thereof: 10-285d, 10-285g, 10-286d, 10-286e, 10-287, 10-287i, 10-289h, 10-290e, 10-290f, 10-291 and 10-292, as amended by this act.

(d) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 91. Section 4b-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The board of trustees of each state institution shall have the supervision, care and control of all property used in connection with such institution; the Commissioner of Public Safety shall have the supervision, care and control of all property used in connection with the Division of State Police [**and the Division of Fire, Emergency and Building Services within the Department of Public Safety**] within the Department of Emergency Services and Public Protection located outside the city of Hartford; the Joint Committee on Legislative Management of the General Assembly shall have the supervision, care and control of the State Capitol building and grounds, the Legislative Office Building and parking garage and grounds and related structures and facilities; the Office of the Chief Court Administrator shall have the supervision, care and control of all property where the Judicial Department is the primary occupant and of the building and grounds of the State Library and Supreme Court and shall establish policies and procedures governing such supervision, care and control. For the purposes of this section, the term "Judicial Department" does not include the courts of probate, the Division of Criminal Justice and the Public Defender Services Commission, except where they share facilities in state-maintained courts. Such board of trustees and said commissioner may make regulations for the maintenance of order on, and the safeguarding and use of, any such property, subject to the direction and supervision of the Commissioner of [**Public Works**] Administrative Services. Any person who trespasses upon such property shall be subject to the penalty for criminal trespass, as provided in sections 53a-107 to 53a-109, inclusive, or simple trespass, as provided in section 53a-110a. Any person who violates any regulation concerning the use of such property shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Sec. 92. Section 4b-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) (1) No repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by the Judicial Branch, one million two hundred fifty thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent unit of the state system of higher education, two million dollars or less, shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government and no contract for any construction, repairs, alteration or addition shall be entered into without the prior approval of the Commissioner of [\[Public Works\] Construction Services](#), except repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management and repairs, alterations or additions to a building under the supervision of The University of Connecticut. Repairs, alterations or additions which are made pursuant to such approval of the Commissioner of [\[Public Works\] Construction Services](#) shall conform to all guidelines and procedures established by the Department of [\[Public Works\] Construction Services](#) for agency-administered projects. (2) Notwithstanding the provisions of subdivision (1) of this subsection, repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less may be made to any state building or premises under the supervision of the Office of the Chief Court Administrator or a constituent unit of the state system of higher education, under the terms of section 4b-11, and any contract for any such construction, repairs or alteration may be entered into by the Office of the Chief Court Administrator or a constituent unit of the state system of higher education without the approval of the Commissioner of [\[Public Works\] Construction Services](#).

(b) Except as provided in this section, no repairs, alterations or additions involving an expense to the state of more than five hundred thousand dollars or, in the case of repairs, alterations or additions to a building rented or occupied by the Judicial Branch, more than one million two hundred fifty thousand dollars, or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent unit of the state system of higher education, more than two million dollars, shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government, nor shall any contract for any construction, repairs, alteration or addition be entered into, until the Commissioner of [\[Public Works\] Construction Services](#) or, in the case of the construction or repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management of the General Assembly, said joint committee or, in the case of construction, repairs, alterations or additions to a building involving expenditures in excess of five hundred thousand dollars but not more than one million two hundred fifty thousand dollars under the supervision and control of the Judicial Branch, said Judicial Branch or, in the case of the construction, repairs, alterations or additions to a building involving expenditures in excess of five hundred thousand dollars but not more than two million dollars under the supervision and control of one of the constituent units of higher education, the constituent unit, has invited bids thereon and awarded a contract thereon, in accordance with the provisions of sections 4b-91 to 4b-96, inclusive. The Commissioner of [\[Public Works\] Construction Services](#), with the approval of the authority having the supervision of state employees or the custody of inmates of state institutions, without the necessity of bids, may employ such employees or inmates and purchase or furnish the necessary materials for the

construction, erection, alteration, repair or enlargement of any such state building or premises occupied by any state officer, department, institution, board, commission or council of the state government.

(c) Whenever the Commissioner of [\[Public Works\] Construction Services](#) declares that an emergency condition exists at any state facility, other than a building under the supervision and control of the Joint Committee on Legislative Management, and that the condition would adversely affect public safety or the proper conduct of essential state government operations, or said joint committee declares that such an emergency exists at a building under its supervision and control, the commissioner or the joint committee may employ such assistance as may be required to restore facilities under their control and management, or the commissioner may so act upon the request of a state agency, to restore facilities under the control and management of such agency, without inviting bids as required in subsection (b) of this section. The commissioner shall take no action requiring the expenditure of more than five hundred thousand dollars to restore any facility under this subsection (1) without the written consent of the Governor, and (2) until the commissioner has certified to the joint committee of the General Assembly having cognizance of matters relating to legislative management that the project is of such an emergency nature that an exception to subsection (b) of this section is required. Such certification shall include input from all affected agencies, detail the need for the exception and include any relevant documentation. The provisions of this subsection shall not apply if any person is obligated under the terms of an existing contract with the state to render such assistance. The annual report of the commissioner shall include a detailed statement of all expenditures made under this subsection.

(d) The Commissioner of [\[Public Works\] Administrative Services](#) may, during the term of a lease of a building or premises occupied by any state offices, department, institution, board, commission or council of the state government, (1) renegotiate the lease in order to enable the lessor to make necessary alterations or additions up to a maximum amount of five hundred thousand dollars, [in consultation with the Commissioner of Construction Services and](#) subject to the approval of the State Properties Review Board, or (2) require that a security audit be conducted for such building or premises and, if necessary, renegotiate the lease in order to enable the lessor to make necessary alterations or additions to bring the building or premises into compliance with the security standards for state agencies established under section 4b-132. Alterations or additions under subdivision (2) of this subsection shall not be subject to the spending limit in subdivision (1) of this subsection, and a renegotiated lease under said subdivision (2) shall be subject to the approval of the State Properties Review Board, provided such approval requirement shall not compromise the security requirements of chapter 60a and this section. The commissioner shall determine the manner of submission, conditions and requirements of bids and awards made for alterations or additions under this subsection. No lease shall be renegotiated under this subsection for a term less than five years. As used in this subsection, "security" and "security audit" have the meanings assigned to such terms in section 4b-130.

Sec. 93. Subdivision (10) of section 20-330 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(10) "State Fire Marshal" means the State Fire Marshal **[or any member of the Division of State Police to whom the Commissioner of Public Safety has delegated powers under section 29-291]** appointed by the Commissioner of Construction Services;

Sec. 94. Section 29-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a) There shall be within the Department of Public Safety a Division of Fire, Emergency and Building Services. The Commissioner of Public Safety shall serve as administrative head of said division. In his capacity as administrative head, the commissioner may delegate his jurisdiction of the affairs of the division to a deputy commissioner who shall be a civilian.]

[(b)] There shall be **[in the Division of Fire, Emergency and Building Services]** (1) an Office of the State Fire Marshal, and (2) an Office of the State Building Inspector, within the Department of Construction Services. **[, and (3) an Office of State-Wide Emergency Telecommunications. The State Building Inspector shall serve as administrative head of the Office of the State Building Inspector.]** The head of each such office shall report to the **[administrative head of the Division of Fire, Emergency and Building Services]** Commissioner of Construction Services.

Sec. 95. Section 29-315a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

On or before July 1, 2005, each chronic and convalescent nursing home or rest home with nursing supervision licensed pursuant to chapter 368v shall submit a plan for employee fire safety training and education to the Departments of Public Health and **[Public Safety]** Construction Services and the Labor Department. Such plan shall, at a minimum, comply with standards adopted by the federal Occupational Safety and Health Administration, including, but not limited to, standards listed in 29 CFR 1910. 38, 1910. 39 and 1910. 157, as adopted pursuant to chapter 571, or 29 USC Section 651 et seq. , as appropriate. The commissioners shall review each such plan and may make recommendations they deem necessary. Once approved or revised, such plan shall not be required to be resubmitted until further revised or there is a change of ownership of the nursing or rest home.

Sec. 96. Section 4-67g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[There is created a Bureau of Real Property Management within the] (a) The Office of Policy and Management **[. Such office]** shall be responsible for: (1) Long-range planning with regard to the use of all state real property; (2) determining the level of efficiency of each and every state agency's use of any and all real property under its control; and (3) **[reviewing the]** maintaining an inventory of state property **[maintained by the Commissioner of Public Works pursuant to subdivision (6) of section 4b-1]** to determine the appropriate use of such properties.

(b) In creating such inventory, the secretary shall make recommendations concerning the reuse

or disposition of state property and identify in such inventory existing buildings that (1) are of historic, architectural or cultural significance, including buildings listed or eligible to be listed in the national register established under the National Historic Preservation Act of 1966, 80 Stat. 915 (1966), 16 USC 470a, and (2) would be suitable, whether or not in need of repair, alteration or addition, to meet the public building needs of the state or to meet the needs of the public in accordance with the provisions of subsection (m) of section 4b-23, as amended by this act.

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

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

Sec. 97. Section 4-77b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The estimates of expenditure requirements transmitted by the Commissioner of [Public Works] [Administrative Services](#) to the Secretary of the Office of Policy and Management pursuant to section 4-77 and the appropriations recommended in the budget document transmitted by the Governor to the General Assembly pursuant to section 4-71 shall include an estimate of the amount required by the Department of [Public Works] [Administrative Services](#) for the leasing of additional facilities and an estimate of the amount required for the maintenance, including preventive maintenance, of facilities under the supervision, care and control of the department.

Sec. 98. Section 4-142b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Department of Administrative Services shall provide staff support for the Office of the Claims Commissioner. The Claims Commissioner shall maintain a permanent office in Hartford County in such suitable space as the Commissioner of [Public Works] [Administrative Services](#) provides. All papers required to be filed with the Claims Commissioner shall be delivered to such office.

Sec. 99. Section 4b-76 of the general statutes is repealed and the following is substituted in lieu

thereof (*Effective July 1, 2011*):

In the event that a public or special act authorizes the state acquisition of real property or the construction, improvement, repair or renovation of any facility, the Commissioner of [Public Works] [Administrative Services](#), in accordance with the provisions of this title, may acquire such real property [or] [and the Commissioner of Construction Services may](#) provide design and construction services for any such construction, improvement, repair or renovation of such facility. [, or both if applicable.]

Sec. 100. Section 4b-101a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Not later than January 1, 2006, and annually thereafter, each awarding authority, other than a municipality, shall prepare a report on the status of [(1)] any ongoing project for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building which is estimated to cost more than five hundred thousand dollars and is paid for, in whole or in part, with state funds. [, or (2) any property management contract awarded by the Department of Public Works which has an annual value of one hundred thousand dollars or more.] Except for a school construction project, the awarding authority shall submit the report to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to government administration and finance, revenue and bonding. The report shall be submitted in accordance with section 11-4a. The first report submitted after a contract is awarded shall indicate: [(A)] (1) When, where and how the request for bids was advertised; [(B)] (2) who bid on the projects; [(C)] (3) the provisions of law that governed the award of the contract and if there were any deviations from standard procedure in awarding the contract; [(D)] (4) the names of the individuals who had decision-making authority in awarding the contract, including, but not limited to, the individuals who served on any award panel; [(E)] (5) if an award panel was used, whether the recommendation of the panel was followed and, if applicable, the reason why such recommendation was not followed; [(F)] (6) whether the awarding authority has any other contracts with the contractor who was awarded the contract, and if so, the nature and value of the contract; and [(G)] (7) any provisions of law that authorized or funded the project.

(b) The University of Connecticut shall not be required to submit a report pursuant to this section for any project, as defined in subdivision (16) of section 10a-109c, that is undertaken and controlled by the university.

Sec. 101. Section 4b-135 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[On or after July 1, 1999, the] [The](#) Commissioner of [Public Works] [Administrative Services](#) may not execute a new lease for use by a state agency, as defined in section 4b-130, [as amended by this act](#), of any building or structure which is not occupied or possessed by the state at the time of execution of the lease unless (1) the owner or agent of the owner of the building or structure has had a security audit conducted for the building or structure, which in the commissioner's opinion is comparable to security audits conducted [by the commissioner]

under section 4b-133, [as amended by this act](#), (2) (A) the [\[commissioner\] Commissioner of Administrative Services](#) determines that the building or structure complies with the security standards established under section 4b-132, [as amended by this act](#), or (B) such owner or agent has implemented the recommendations of the security audit which bring the building or structure into compliance with such security standards, and (3) such owner or agent agrees in the lease to maintain the security standards.

Sec. 102. Subsection (a) of section 10a-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Subject to state-wide policy and guidelines established by the Board of Governors of Higher Education, said board of trustees shall administer the regional community-technical colleges and plan for the expansion and development of the institutions within its jurisdiction and submit such plans to the Board of Governors of Higher Education for review and recommendations. The Commissioner of [\[Public Works\] Administrative Services](#) on request of the board of trustees shall, in accordance with section 4b-30, [as amended by this act](#), negotiate and execute leases on such physical facilities as the board of trustees may deem necessary for proper operation of such institutions, and said board of trustees may expend capital funds therefor, if such leasing is required during the planning and construction phases of institutions within its jurisdiction for which such capital funds were authorized. The board of trustees may appoint and remove the chief executive officer of each institution within its jurisdiction, and with respect to its own operation the board may appoint and remove a chancellor and an executive staff. The board of trustees may determine the size of the executive staff and the duties, terms and conditions of employment of a chancellor and staff, subject to personnel guidelines established by the Board of Governors of Higher Education in consultation with said board of trustees, provided said board of trustees may not appoint or reappoint members of the executive staff for terms longer than one year. The board of trustees may employ the faculty and other personnel needed to operate and maintain the institutions within its jurisdiction. Within the limitation of appropriations, the board of trustees shall fix the compensation of such personnel, establish terms and conditions of employment and prescribe their duties and qualifications. Said board of trustees shall determine who constitutes its professional staff and establish compensation and classification schedules for its professional staff. Said board shall annually submit to the Commissioner of Administrative Services a list of the positions which it has included within the professional staff. The board shall establish a division of technical and technological education. The board of trustees shall confer such certificates and degrees as are appropriate to the curricula of community-technical colleges subject to the approval of the Board of Governors of Higher Education. The board of trustees shall with the advice of, and subject to the approval of, the Board of Governors of Higher Education, prepare plans for the development of a regional community-technical college and submit the same to the [\[Commissioner of Public Works\] Commissioners of Administrative Services and Construction Services](#) and request said [\[commissioner\] commissioners](#) to select the site for such college. Within the limits of the bonding authority therefor, the [\[commissioner\] Commissioner of Administrative Services](#), subject to the provisions of section 4b-23, [as amended by this act](#), may acquire such site and [the Commissioner of Construction Services may](#) construct such buildings as are consistent with the plan of development approved by the Board of Governors of Higher Education.

Sec. 103. Section 10a-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Board of Trustees for the Connecticut State University System, with the approval of the Governor and the Secretary of the Office of Policy and Management, may lease state-owned land under its care, custody or control to private developers for construction of dormitory buildings, provided such developers agree to lease such buildings to such board of trustees with an option to purchase and provided further that any such agreement to lease is subject to the provisions of section 4b-23, [as amended by this act](#), prior to the making of the original lease by the board of trustees. The plans for such buildings shall be subject to approval of such board, the Commissioner of **[Public Works]** [Construction Services](#) and the State Properties Review Board and such leases shall be for the periods and upon such terms and conditions as the Commissioner of **[Public Works]** [Administrative Services](#) determines, and such buildings, while privately owned, shall be subject to taxation by the town in which they are located. The Board of Trustees for the Connecticut State University System may also deed, transfer or lease state-owned land under its care, custody or control to the State of Connecticut Health and Educational Facilities Authority for financing or refinancing the planning, development, acquisition and construction and equipping of dormitory buildings and student housing facilities and to lease or sublease such dormitory buildings or student housing facilities and authorize the execution of financing leases of land, interests therein, buildings and fixtures in order to secure obligations to repay any loan from the State of Connecticut Health and Educational Facilities Authority from the proceeds of bonds issued thereby pursuant to the provisions of chapter 187 made by the authority to finance or refinance the planning, development, acquisition and construction of dormitory buildings. Any such financing lease shall not be subject to the provisions of section 4b-23, [as amended by this act](#), and the plans for such dormitories shall be subject only to the approval of the board. Such financing leases shall be for such periods and upon such terms and conditions that the board shall determine. Any state property so leased shall not be subject to local assessment and taxation and such state property shall be included as property of the Connecticut State University System for the purpose of computing a grant in lieu of taxes pursuant to section 12-19a.

Sec. 104. Subsection (a) of section 10a-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Board of Trustees of the Connecticut State University System, with the approval of the Governor, the Commissioner of **[Public Works]** [Administrative Services](#) and the State Properties Review Board, may lease land or buildings under its care, custody or control to private developers for rental housing and commercial establishments. Such leases shall be for periods and upon such terms and conditions, including, but not limited to, provision for adequate liability insurance to be maintained by the lessee for the benefit of the state and rental terms, as may be determined by the Commissioner of **[Public Works]** [Administrative Services](#) and, in the case of a lease of land, may provide for the construction of buildings thereon to be used for rental housing and commercial establishments, the plans of which shall be subject to the approval of the board of trustees, the Commissioner of **[Public Works]** [Construction Services](#) and the State Properties Review Board. Said board of trustees may provide for water, heat and waste disposal services on a cost-reimbursement basis to such

leased premises. Said board may designate the kinds of concessions for supplying goods, commodities, services and facilities to be permitted on such land and may select the permittees, or said board may delegate such functions to the private developers with which it contracts pursuant to this section.

Sec. 105. Subsection (a) of section 28-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established an Office of State-Wide Emergency Telecommunications which shall be [in the Division of Fire, Emergency and Building Services] within the Department of [Public Safety] [Emergency Services and Public Protection](#). The Office of State-Wide Emergency Telecommunications shall be responsible for developing and maintaining a state-wide emergency service telecommunications policy. In connection with said policy the office shall:

- (1) Develop a state-wide emergency service telecommunications plan specifying emergency police, fire and medical service telecommunications systems needed to provide coordinated emergency service telecommunications to all state residents, including the physically disabled;
- (2) Pursuant to the recommendations of the task force established by public act 95-318 to study enhanced 9-1-1 telecommunications services, and in accordance with regulations adopted by the Commissioner of [Public Safety] [Emergency Services and Public Protection](#) pursuant to subsection (b) of this section, develop and administer, by July 1, 1997, an enhanced emergency 9-1-1 program, which shall provide for: (A) The replacement of existing 9-1-1 terminal equipment for each public safety answering point; (B) the subsidization of regional public safety emergency telecommunications centers, with enhanced subsidization for municipalities with a population in excess of forty thousand; (C) the establishment of a transition grant program to encourage regionalization of public safety telecommunications centers; and (D) the establishment of a regional emergency telecommunications service credit in order to support regional dispatch services;
- (3) Provide technical telecommunications assistance to state and local police, fire and emergency medical service agencies;
- (4) Provide frequency coordination for such agencies;
- (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-1 systems;
- (6) Review and make recommendations concerning proposed legislation affecting emergency service telecommunications; and
- (7) Review and make recommendations to the General Assembly concerning emergency service telecommunications funding.

Sec. 106. Section 29-291 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

For the purposes of this part and any other statute related to fire prevention and safety, the Commissioner of [Public Safety shall] [Construction Services shall appoint a person to](#) serve as the State Fire Marshal. The commissioner may delegate such powers as the commissioner deems expedient for the proper administration of this part and any other statute related to fire prevention and safety to any employee of (1) the Department of [Public Safety] [Construction Services](#), and (2) The University of Connecticut at Storrs Division of Public Safety, provided the commissioner and the president of The University of Connecticut enter into a memorandum of understanding concerning such delegation of powers in accordance with section 10a-109ff, [as amended by this act](#).

Sec. 107. Section 29-302 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The local fire marshal shall, in accordance with the provisions of section 29-311, [as amended by this act](#), investigate the cause, origin and circumstances of any fire or explosion within his jurisdiction, by reason of which property has been destroyed or damaged, or any person injured or killed, or any incidents which threatened any property with destruction or damage or any person with injury or death by reason of fire or explosion, and shall especially investigate whether such fire was the result of an incendiary device or the result of carelessness, design or any criminal act; and the [Commissioner of Public Safety as] State Fire Marshal, or the deputy fire marshal under his direction, may supervise and direct such investigation.

Sec. 108. Section 29-310 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The [Commissioner of Public Safety as] State Fire Marshal shall thoroughly investigate the cause, circumstances and origin of all fires or explosions to which his attention has been called, in accordance with the provisions of this part, by reason of which any property has been destroyed or damaged, or any person injured or killed, and shall especially examine and decide as to whether such fire was the result of carelessness, design, an incendiary device or any other criminal act. He may take the testimony under oath of any person supposed to be cognizant of or to have means of knowledge in relation to the matters as to which an examination is being made, and shall cause the same to be reduced to writing and filed in his office; and if, in his opinion, there is sufficient evidence to warrant that any person should be charged with the crime of arson or any other crime, he shall forthwith submit such evidence, together with the names of the witnesses and all other information obtained by him, to the proper prosecuting officer. He may, in any investigation, issue subpoenas for the purposes of summoning and compelling the attendance of witnesses before him to testify. He may administer oaths or affirmations to witnesses before him, and false swearing therein shall be perjury. He may, in the performance of his duties, enter, by himself or his assistants, into and upon the premises or building where any fire or explosion has occurred and premises thereto adjacent in accordance with the provisions of section 29-311, [as amended by this act](#).

(b) Whenever it comes to his knowledge or to the knowledge of any local fire marshal that there exists in any building or upon any premises combustible material or flammable

conditions dangerous to the safety of such building or premises or dangerous to any other building or property, or conditions that present a fire hazard to the occupants thereof, the [commissioner] [State Fire Marshal](#), or any local fire marshal, obtaining such knowledge, shall order such material to be forthwith removed or such conditions remedied by the owner or occupant of such building or premises, and such owner or occupant shall be subject to the penalties prescribed by section 29-295 and, in addition thereto, shall suffer a penalty of one hundred dollars a day for each day of neglect, to be recovered in a proper action in the name of the state.

Sec. 109. Section 29-311 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The [**Commissioner of Public Safety as**] State Fire Marshal, any local fire marshal within the local fire marshal's jurisdiction, and all duly authorized fire and police personnel acting within their jurisdiction may enter into and upon any premises or building where any fire or explosion has occurred and premises adjacent thereto, without liability for trespass or damages reasonably incurred, to conduct investigations in accordance with sections 29-302 and 29-310, [as amended by this act](#), under the following circumstances and conditions:

(1) During an emergency by reason of fire or explosion on any premises, they or any of them may, without a warrant, enter such premises during the suppression of the fire or explosion or within a reasonable period of time following the suppression thereof and remain for a reasonable period of time following the suppression of the fire or explosion to: (A) Investigate in order to determine the cause and origin of the fire or explosion, (B) prevent the intentional or unintentional destruction of evidence and (C) prevent a rekindling of the fire.

(2) After expiration of a reasonable period of time following the suppression of the fire or explosion, they or any of them shall apply in writing under oath to any judge of the Superior Court for a warrant to enter upon the premises to determine the cause and origin of the fire or explosion, if such cause or origin has not been previously determined. The application shall describe: (A) The premises under investigation, (B) the owner or occupant of the premises, if reasonably ascertainable, (C) the date and time the fire or explosion which is the subject of the investigation was reported to a police or fire agency, and (D) the dates and times during which the investigative activities to determine the cause and origin of such fire or explosion are to be conducted. The judge to whom an application for a warrant is made may issue such a warrant upon finding that the requirements of this subsection have been met, and that the proposed activities are a reasonable intrusion onto the private premises to determine the cause and origin of the fire or explosion.

(b) The [**Commissioner of Public Safety as**] State Fire Marshal shall, within available appropriations, provide quarterly reports to the Insurance Commissioner detailing all cases in which it has been determined that a fire or explosion was the result of arson.

Sec. 110. Section 29-312 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The [Commissioner of Construction Services](#) may appoint a Deputy State Fire Marshal **[appointed in accordance with the provisions of section 29-4 shall,]** [who shall be](#) subject to the supervision and direction of the Commissioner of **[Public Safety,]** [Construction Services and](#) be vested with all the powers conferred upon said commissioner by section 29-310, [as amended by this act.](#)

Sec. 111. Subsection (y) of section 5-198 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(y) The Deputy State Fire Marshal **[in the Division of Fire, Emergency and Building Services]** within the Department of **[Public Safety]** [Construction Services](#);

Sec. 112. Section 16a-38k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Notwithstanding any provision of the general statutes, any (1) new construction of a state facility that is projected to cost five million dollars, or more, and for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2008, (2) renovation of a state facility that is projected to cost two million dollars or more, of which two million dollars or more is state funding, approved and funded on or after January 1, 2008, (3) new construction of a facility that is projected to cost five million dollars, or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, and (4) renovation of a public school facility as defined in subdivision (18) of section 10-282 that is projected to cost two million dollars or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, shall comply with or exceed compliance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program until the regulations described in subsection (b) of this section are adopted. The Secretary of the Office of Policy and Management, in consultation with the Commissioner of **[Public Works]** [Construction Services](#) and the Institute for Sustainable Energy, shall exempt any facility from complying with said regulations if said secretary finds, in a written analysis, that the cost of such compliance significantly outweighs the benefits. Nothing in this section shall be construed to require the redesign of any new construction of a state facility that is designed in accordance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, provided the design for such facility was initiated or completed prior to the adoption of the regulations described in subsection (b) of this section.

(b) Not later than January 1, 2007, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of **[Public Works,]** [Construction Services and](#) the Commissioner of Environmental Protection, **[and the Commissioner of Public Safety,]** shall

adopt regulations, in accordance with the provisions of chapter 54, to adopt state building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, including energy standards that exceed those set forth in the 2004 edition of the American Society of Heating, Ventilating and Air Conditioning Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such regulations as the secretary deems necessary.

Sec. 113. Section 4-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in sections 4-212 to 4-219, inclusive:

(1) "Competitive negotiation" means a procedure for contracting for services in which (A) proposals are solicited from qualified persons, firms or corporations by a request for proposals, and (B) changes may be negotiated in proposals and prices after being submitted.

(2) "Personal service contractor" means any person, firm or corporation not employed by the state, who is hired by a state agency for a fee to provide services to the agency. The term "personal service contractor" shall not include (A) a person, firm or corporation providing "contractual services", as defined in section 4a-50, to the state, (B) a "consultant", as defined in section 4b-55, (C) a "consultant", as defined in section 13b-20b, (D) an agency of the federal government, of the state or of a political subdivision of the state, or (E) a person, firm or corporation providing consultant services for information and telecommunications systems authorized under subdivision [(5)] (3) of subsection [(c)] (b) of section 4d-2, [as amended by this act](#).

(3) "Personal service agreement" means a written agreement defining the services or end product to be delivered by a personal service contractor to a state agency, excluding any agreement with a personal service contractor that the state accounting manual does not require to be submitted to the Comptroller.

(4) "Secretary" means the Secretary of the Office of Policy and Management.

(5) "State agency" means a department, board, council, commission, institution or other executive branch agency.

Sec. 114. (*Effective July 1, 2011*) (a) Not later than January 2, 2012, the Commissioners of Education and Construction Services shall each submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education, public safety and government administration concerning the following: (1) The status of the merger of functions of the Departments of Public Safety and Public Works and a portion of the school construction grant functions of the Department of

Education into the Department of Construction Services in accordance with the provisions of this act, (2) the status of any regulations required to be adopted under section 10-287c of the general statutes, as amended by this act, whether any policies or procedures have been implemented by the Department of Construction Services or the Department of Education as authorized by section 45 of this act, (3) whether there are any outstanding issues regarding the division of duties between the Department of Construction Services and the Department of Education, (4) recommendations on how to strengthen the audit functions of the Department of Construction Services, and (5) any recommendations for further legislative action concerning such merger.

(b) Not later than January 2, 2012, the Commissioner of Administrative Services shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and government administration concerning (1) The status of the merger of the Departments of Information Technology and a portion of the Department of Public Works into the Department of Administrative Services, in accordance with the provisions of this act, and (2) any recommendations for further legislative action concerning such merger.

Sec. 115. Subdivision (8) of section 10-282 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(8) "Completed school building project" means a school building project declared complete by the applicant board of education as of the date shown on the final application for grant payment purposes as submitted by said board to the Commissioner of **[Education]** [Construction Services](#) or **[his]** [an agent of the commissioner](#);

Sec. 116. Section 10-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) (1) Each town or regional school district shall be eligible to apply for and accept grants for a school building project as provided in this chapter. Any town desiring a grant for a public school building project may, by vote of its legislative body, authorize the board of education of such town to apply to the Commissioner of Education and to accept or reject such grant for the town. Any regional school board may vote to authorize the supervising agent of the regional school district to apply to the Commissioner of Education for and to accept or reject such grant for the district. Applications for such grants under this chapter shall be made by the superintendent of schools of such town or regional school district on the form provided and in the manner prescribed by the Commissioner of Education, [in consultation with the Commissioner of Construction Services](#). The application form shall require the superintendent of schools to affirm that the school district considered the maximization of natural light and the use and feasibility of wireless connectivity technology in projects for new construction and alteration or renovation of a school building. **[Grant applications for school building projects shall be reviewed by the Commissioner of Education]** [The Commissioner of Education shall review each grant application for a school building project for compliance with educational requirements and](#) on the basis of categories for building projects **[and standards for school**

construction] established by the State Board of Education in accordance with this section, and shall evaluate, if appropriate, whether the project will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., provided grant applications submitted for purposes of subsection (a) of section 10-65 or section 10-76e shall be reviewed annually by the commissioner on the basis of the educational needs of the applicant. After reviewing each such application, the Commissioner of Education shall forward each application and the category that the Commissioner of Education has assigned to each such project in accordance with subdivision (2) of this subsection to the Commissioner of Construction Services not later than August thirty-first of each fiscal year. The Commissioner of Construction Services shall review all grant applications for school building projects on the basis of standards for school construction, established in regulation in accordance with section 10-287c, as amended by this act. Notwithstanding the provisions of this chapter, the Board of Trustees of the Community-Technical Colleges on behalf of Quinebaug Valley Community College and the following entities that will operate an interdistrict magnet school that will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. , as determined by the **[commissioner]** Commissioner of Education, may apply for and shall be eligible to receive grants for school building projects pursuant to section 10-264h, as amended by this act, for such a school: (A) The Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, (B) the Board of Trustees of the Connecticut State University System on behalf of a state university, (C) the Board of Trustees for The University of Connecticut on behalf of the university, (D) the board of governors for an independent college or university, as defined in section 10a-37, or the equivalent of such a board, on behalf of the independent college or university, **[(D)] (E)** cooperative arrangements pursuant to section 10-158a, and **[(E)] (F)** any other third-party not-for-profit corporation approved by the **[commissioner]** Commissioner of Education.

(2) **[Each school building project shall be assigned]** The Commissioner of Education shall assign each school building project to a category on the basis of whether such project is primarily required to: (A) Create new facilities or alter existing facilities to provide for mandatory instructional programs pursuant to this chapter, for physical education facilities in compliance with Title IX of the Elementary and Secondary Education Act of 1972 where such programs or such compliance cannot be provided within existing facilities or for the correction of code violations which cannot be reasonably addressed within existing program space; (B) create new facilities or alter existing facilities to enhance mandatory instructional programs pursuant to this chapter or provide comparable facilities among schools to all students at the same grade level or levels within the school district unless such project is otherwise explicitly included in another category pursuant to this section; and (C) create new facilities or alter existing facilities to provide supportive services, provided in no event shall such supportive services include swimming pools, auditoriums, outdoor athletic facilities, tennis courts, elementary school playgrounds, site improvement or garages or storage, parking or general recreation areas. All applications submitted prior to July first shall be reviewed promptly by the **[commissioner and]** Commissioner of Education prior to forwarding such application to the Commissioner of Construction Services. The Commissioner of Construction Services shall estimate the amount of the grant for which such project is eligible, **[shall be estimated]** in accordance with the provisions of section 10-285a, as amended by this act, provided an

application for a school building project determined by the [commissioner] [Commissioner of Education](#) to be a project that will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. , shall have until September first to submit an application for such a project and may have until December first of the same year to secure and report all local and state approvals required to complete the grant application. The [commissioner] [Commissioner of Construction Services](#) shall annually prepare a listing of all such eligible school building projects listed by category together with the amount of the estimated grants [therefor] [for such projects](#) and shall submit the same to the Governor, [the Secretary of the Office of Policy and Management](#) and the General Assembly on or before the fifteenth day of December, except as provided in section 10-283a, with a request for authorization to enter into grant commitments. [Each such listing submitted after December 1995 shall include a separate schedule of authorized projects which have changed in scope or cost to a degree determined by the commissioner. Notwithstanding any provision of this chapter, no such project that has changed in scope or cost to the degree determined by the commissioner shall be eligible for reimbursement under this chapter unless it appears on such list.] [On or before December thirty-first annually, the Secretary of the Office of Policy and Management shall submit comments and recommendations regarding each eligible project on such listing of eligible school building projects to the school construction committee, established pursuant to section 10-283a, as amended by this act.](#) Each such listing submitted after December 15, 2005, [until December 15, 2010, inclusive,](#) shall include a separate schedule of authorized projects which have changed in scope or cost to a degree determined by the [commissioner] [Commissioner of Education](#) once, and a separate schedule of authorized projects which have changed in scope or cost to a degree determined by [the] [said commissioner](#) twice. [On and after] [Any such listing submitted after December 15, 2010, until December 15, 2011, inclusive, shall include a separate schedule of authorized projects which have changed in scope or cost to a degree determined by the Commissioner of Construction Services once, and a separate schedule of authorized projects which have changed in scope or cost to a degree determined by said commissioner twice. On and after July 1, 2011, each such listing shall include a report on the review conducted by the Commissioner of Education of the enrollment projections for each such eligible project. For the period beginning July 1, 2006, and ending June 30, 2012, no project, other than a project for a regional vocational-technical school, may appear on the separate schedule of authorized projects which have changed in cost more than twice. On and after July 1, 2012, no project, other than a project for a regional vocational-technical school, may appear on the separate schedule of authorized projects which have changed in cost more than once, except the Commissioner of Construction Services may allow a project to appear on such separate schedule of authorized projects a second time if the town or regional school district for such project can demonstrate that exigent circumstances require such project to appear a second time on such separate schedule of authorized projects. Notwithstanding any provision of this chapter, no projects which have change in scope or cost to the degree determined by the Commissioner of Construction Services, in consultation with the Commissioner of Education, shall be eligible for reimbursement under this chapter unless it appears on such list.](#) The percentage determined pursuant to section 10-285a, [as amended by this act,](#) at the time a school building project on such schedule was originally authorized shall be used for purposes of the grant for such project. On and after July 1, 2006, a project that was not previously authorized as an interdistrict magnet school shall not receive a higher

percentage for reimbursement than that determined pursuant to section 10-285a, [as amended by this act](#), at the time a school building project on such schedule was originally authorized. The General Assembly shall annually authorize the [\[commissioner\] Commissioner of Construction Services](#) to enter into grant commitments on behalf of the state in accordance with the commissioner's categorized listing for such projects as the General Assembly shall determine. The [\[commissioner\] Commissioner of Construction Services](#) may not enter into any such grant commitments except pursuant to such legislative authorization. Any regional school district which assumes the responsibility for completion of a public school building project shall be eligible for a grant pursuant to subdivision (5) or (6), as the case may be, of subsection (a) of section 10-286, [as amended by this act](#), when such project is completed and accepted by such regional school district.

(3) (A) All final calculations completed by the Department of [\[Education\] Construction Services](#) for school building projects [\[authorized on or after July 1, 1996,\]](#) shall include a computation of the state grant for the school building project amortized on a straight line basis over a twenty-year period for school building projects with costs equal to or greater than two million dollars and over a ten-year period for school building projects with costs less than two million dollars. Any town or regional school district which abandons, sells, leases, demolishes or otherwise redirects the use of such a school building project to other than a public school use during such amortization period shall refund to the state the unamortized balance of the state grant remaining as of the date the abandonment, sale, lease, demolition or redirection occurs. The amortization period for a project shall begin on the date the project was accepted as complete by the local or regional board of education. A town or regional school district required to make a refund to the state pursuant to this subdivision may request forgiveness of such refund if the building is redirected for public use. The [\[department\] Department of Construction Services](#) shall include as an addendum to the annual school construction priority list all those towns requesting forgiveness. General Assembly approval of the priority list containing such request shall constitute approval of such request. This subdivision shall not apply to projects to correct safety, health and other code violations or to remedy certified school indoor air quality emergencies approved pursuant to subsection (b) of this section or projects subject to the provisions of section 10-285c.

(B) Any moneys refunded to the state pursuant to subparagraph (A) of this subdivision shall be deposited in the state's tax-exempt proceeds fund and used not later than sixty days after repayment to pay debt service on, including redemption, defeasance or purchase of, outstanding bonds of the state the interest on which is not included in gross income pursuant to Section 103 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

(b) Notwithstanding the application date requirements of this section, the Commissioner of [\[Education\] Construction Services, in consultation with the Commissioner of Education](#), may approve applications for grants to assist school building projects to remedy damage from fire and catastrophe, to correct safety, health and other code violations, to replace roofs, to remedy a certified school indoor air quality emergency, or to purchase and install portable classroom buildings at any time within the limit of available grant authorization and make payments thereon within the limit of appropriated funds, provided portable classroom building projects

shall not create a new facility or cause an existing facility to be modified so that the portable buildings comprise a substantial percentage of the total facility area, as determined by the commissioner.

(c) No school building project shall be added to the list prepared by the Commissioner of [\[Education\] Construction Services](#) pursuant to subsection (a) of this section after such list is submitted to the committee of the General Assembly appointed pursuant to section 10-283a, [as amended by this act](#), unless (1) the project is for a school placed on probation by the New England Association of Schools and Colleges and the project is necessary to preserve accreditation, (2) the project is necessary to replace a school building for which a state agency issued a written notice of its intent to take the school property for public purpose, (3) [\[for the fiscal year ending June 30, 2002, the project is in a town operating under state governance, or \(4\)\]](#) it is a school building project determined by the [\[commissioner\] Commissioner of Education](#) to be a project that will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. The provisions of this subsection shall not apply to projects previously authorized by the General Assembly that require special legislation to correct procedural deficiencies.

(d) No application for a school building project shall be accepted by the [\[commissioner\] Commissioner of Education](#) on or after July 1, 2002, unless the applicant has secured funding authorization for the local share of the project costs prior to application. The reimbursement percentage for a project covered by this subsection shall reflect the rates in effect during the fiscal year in which such local funding authorization is secured.

[\[\(e\) For each such list submitted in December, 2003, and December, 2004, the total amount requested by the commissioner for grant commitments shall not exceed one billion dollars. In each such list, the commissioner shall list the categories described in subdivision \(2\) of subsection \(a\) of this section in order of priority and shall list the projects within each category in order of priority. The commissioner shall comply with the limitation on grant commitments provided for under this subsection according to such priorities. Eligible projects that cannot be included on the list shall be included first on the list submitted the next following year. \]](#)

Sec. 117. Section 10-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

A committee to review the listing of eligible school building projects submitted pursuant to section 10-283, [as amended by this act](#), shall be appointed annually on or before July first consisting of eight persons who are members of the General Assembly at the time of their appointment as follows: Two persons each appointed by the speaker of the House of Representatives, the minority leader of the House of Representatives, the president pro tempore of the Senate and the minority leader of the Senate. The listing of eligible projects by category shall be submitted to said committee prior to December fifteenth annually to determine if said listing is in compliance with the categories described in subsection (a) of section 10-283, [as amended by this act](#), and [\[existing\]](#) standards established [\[by the State Board of Education\] in regulations adopted](#) pursuant to [\[said regulations\] section 10-287c, as amended by this act](#). The committee may modify the listing. [\[if it finds that the Commissioner](#)

of Education acted in an arbitrary or unreasonable manner in establishing the listing.] Such modified listing shall be in compliance with [said] such standards and categories. [Prior] On or after January first annually, and prior to February first annually, the committee shall submit the approved or modified listing of projects to the Governor and the General Assembly.

Sec. 118. Section 10-283b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) On and after July 1, [1999] 2011, the Commissioner of [Education] Construction Services shall include school building projects for the regional vocational-technical schools on the list developed pursuant to section 10-283. [Prior to inclusion on the list, such projects shall be reviewed by the Department of Public Works.] The adoption of the list by the General Assembly and authorization by the State Bond Commission of the issuance of bonds pursuant to section 10-287d shall fund the full cost of the projects. On or after July 1, [2007] 2011, the [commissioner] the Commissioner of Construction Services, in consultation with the Commissioner of Education, may approve applications for grants to assist school building projects for the regional vocational-technical school system to remedy damage from fire and catastrophe, to correct safety, health and other code violations, to replace roofs, to remedy a certified school indoor air quality emergency, or to purchase and install portable classroom buildings at any time within the limit of available grant authorization and to make payments on such a project within the limit of appropriated funds, provided portable classroom building projects do not create a new facility or cause an existing facility to be modified so that the portable buildings comprise a substantial percentage of the total facility area, as determined by the [commissioner. Funds for the projects shall be transferred to the Department of Public Works and, upon such transfer, the] Commissioner of Construction Services. Such projects shall be subject to the requirements of chapters 59 and 60.

(b) The Department of [Public Works] Construction Services shall ensure that an architect and a construction manager or construction administrator hired to work on a project pursuant to subsection (a) of this section are not related persons as defined in subdivision (18) of subsection (a) of section 12-218b.

Sec. 119. Section 10-284 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Commissioner of Education shall have authority to receive [,] and review [and approve] applications for state grants under this chapter, [or to] and the Commissioner of Construction Services shall have authority to review and approve any such application, or to disapprove any such application if (1) it does not comply with the requirements of the State Fire Marshal or the Department of Public Health, (2) it is not accompanied by a life-cycle cost analysis approved by the Commissioner of [Public Works] Construction Services pursuant to section 16a-38, (3) it does not comply with the provisions of sections 10-290d and 10-291, (4) it does not meet (A) the standards or requirements established in regulations adopted in accordance with section 10-287c, as amended by this act, or (B) school building [priorities established by the State Board of Education] categorization requirements described in section 10-283, as amended by this act, [or] (5) the estimated construction cost exceeds the per square

foot cost for schools established in regulations adopted by the Commissioner of Construction Services for the county in which the project is proposed to be located, or (6) the [commissioner] Commissioner of Education determines that the proposed educational specifications for or theme of the project for which the applicant requests a state grant duplicates a program offered by a vocational-technical school or an interdistrict magnet school in the same region.

(b) [(1)] The Commissioner of [Education] Construction Services may also disapprove [such] a grant application [: (A) For a project for which the General Assembly authorized a grant commitment prior to June 14, 1984, if [the] a town or regional school district has not begun construction, as defined in section 10-282, by July 1, 1987; or (B) for any other project] if the town or regional school district has not begun construction, as defined in section 10-282, [within] not later than two years after the effective date of the act of the General Assembly authorizing the Commissioner of Education or Construction Services to enter into grant commitments for [such projects] a project as provided in sections 10-283 and 10-283a, as amended by this act. The Commissioner of Construction Services shall cancel any grant commitment for a project for which the General Assembly authorized such grant commitment prior to July 1, 2010, if the town or regional school district has not begun construction, as defined in section 10-282, as amended by this act, by April 30, 2015, and such town or regional school district may make a new application for a grant in accordance with section 10-283, as amended by this act.

[(2) Prior to disapproval of an application under the provisions of subparagraph (A) of subdivision (1) of this subsection, the commissioner shall give written notice of the pending disapproval by mail to (A) the school building committee formed in connection with the application, (B) the local or regional board of education, and (C) if the applicant is a local board, to the chief executive officer of the town or if the applicant is a regional board, to the chief executive officer of each of the district's member towns. The notice shall be given twice. The first such notice shall be mailed not later than September 1, 1986, and the second notice shall be mailed not later than March 1, 1987.]

(c) When any such application is approved, [said commissioner] the Commissioner of Construction Services shall certify to the Comptroller the amount of the grant for which the town or regional school district is eligible under this chapter and the amount and time of the payment thereunder. Upon receipt of such certification, the Comptroller is authorized and directed to draw his order on the Treasurer in such amount and at such time as certified by [said commissioner] the Commissioner of Construction Services.

Sec. 120. Subsection (a) of section 10-285a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The percentage of school building project grant money a local board of education may be eligible to receive, under the provisions of section 10-286, as amended by this act, shall be determined by the Commissioner of Education as follows: (1) [Each town shall be ranked in descending order from one to one hundred sixty-nine according to such town's adjusted equalized net grand list per capita, as defined in section 10-261; (2) based upon such ranking, a percentage of not less than forty nor more than eighty shall be determined for each town on a

continuous scale, except that for school building projects authorized by the General Assembly during the fiscal year ending June 30, 1991, for all such projects so authorized thereafter and for] For grants approved pursuant to subsection (b) of section 10-283, as amended by this act, for which application is made on and after July 1, 1991, [the percentage of school building project grant money a local board of education may be eligible to receive, under the provisions of section 10-286 shall be determined as follows: (A) Each] and before July 1, 2011, (A) each town shall be ranked in descending order from one to one hundred sixty-nine according to such town's adjusted equalized net grand list per capita, as defined in section 10-261; and (B) based upon such ranking, a percentage of not less than twenty nor more than eighty shall be determined for each town on a continuous scale; and (2) for grants approved pursuant to subsection (b) of section 10-283, as amended by this act, for which application is made on and after July 1, 2011, (A) each town shall be ranked in descending order from one to one hundred sixty-nine according to such town's adjusted equalized net grand list per capita, as defined in section 10-261, and (B) based upon such ranking, (i) a percentage of not less than ten nor more than seventy shall be determined for new construction or replacement of a school building for each town on a continuous scale, and (ii) a percentage of not less than twenty nor more than eighty shall be determined for renovations, extensions, code violations, roof replacements and major alterations of an existing school building and the new construction or replacement of a school building when a town or regional school district can demonstrate that a new construction or replacement is less expensive than a renovation, extension or major alteration of an existing school building for each town on a continuous scale.

Sec. 121. Section 10-285b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a) (1) For the fiscal year ending June 30, 1987, Woodstock Academy may apply and be eligible subsequently to be considered for school construction grant commitments from the state pursuant to this chapter. (2) Except as provided in subdivision (1) of this subsection, any incorporated or endowed high school or academy approved by the State Board of Education pursuant to section 10-34 may apply and be eligible subsequently to be considered for school construction grant commitments from the state pursuant to this chapter. (3) Applications pursuant to this subsection shall be filed at such time and on such forms as the state Department of Education prescribes. The Commissioner of Education shall approve such applications pursuant to the provisions of section 10-284 deemed applicable by the state Department of Education.]

[(b) (a) In the case of a school building project, as defined in subparagraph (A) of subdivision (3) of section 10-282, the amount of the grant approved by [said commissioner] the Commissioner of Construction Services shall be computed pursuant to the provisions of section 10-286, as amended by this act, and the eligible percentage shall be computed pursuant to the provisions of [subdivision (2) of] subsection [(c) (b)] of this section. The calculation of the grant pursuant to this section shall be made in accordance with the state standard space specifications in effect at the time of final grant calculation.

[(c) (1) The percentage of school building project grant money Woodstock Academy may be eligible to receive for school construction projects for which application was made in the fiscal

year ending June 30, 1987, under the provisions of subsection (b) of this section shall be determined by its ranking. The ranking shall be determined by (A) multiplying the total population, as defined in section 10-261, of each town which subsequent to October 1, 1985, and prior to October 1, 1986, designates Woodstock Academy as the high school for such town for a period of not less than five years, by such town's percentile ranking, as determined in subsection (a) of section 10-285a, (B) adding together the figures for each town determined under subparagraph (A) of this subdivision, and (C) dividing the total computed under subparagraph (B) of this subdivision by the total population of all towns which designate Woodstock Academy as their high school under subparagraph (A) of this subdivision. The ranking determined pursuant to this subdivision shall be rounded to the next higher whole number. Woodstock Academy shall receive the same reimbursement percentage as would a town with the same rank.]

[(2) (b) [Except as provided in subdivision (1) of this subsection, the] The percentage of school building project grant money each incorporated or endowed high school or academy may be eligible to receive under the provisions of subsection [(b)] (a) of this section shall be determined by its ranking. The ranking shall be determined by [(A)] (1) multiplying the total population, as defined in section 10-261, of each town which at the time of application for such school construction grant commitment has designated such school as the high school for such town for a period of not less than five years from the date of such application, by such town's percentile ranking, as determined in subsection (a) of section 10-285a, as amended by this act, [(B)] (2) adding together the figures for each town determined under [subparagraph (A) of this] subdivision (1) of this subsection, and [(C)] (3) dividing the total computed under [subparagraph (B) of this] subdivision (2) of this subsection by the total population of all towns which designate the school as their high school under [subparagraph (A) of this] subdivision (1) of this subsection. The ranking determined pursuant to this [subdivision] subsection shall be rounded to the next higher whole number. Such high school or academy shall receive the reimbursement percentage of a town with the same rank increased by five per cent, except that the reimbursement percentage of such high school or academy shall not exceed eighty-five per cent.

[(d) (1) In order for Woodstock Academy to be eligible for a grant commitment pursuant to this section for the fiscal year ending June 30, 1987, said academy shall (A) provide educational facilities to the town or towns designating it as the high school for such town or towns for a period commencing on June 5, 1986, and not less than ten years after completion of grant payments under this section, and (B) provide that at least half of its executive committee, exclusive of the president, be representatives of the board or boards of education designating Woodstock Academy as the high school for each such board's town.]

[(2) Except as provided in subdivision (1) of this subsection, in] (c) In order for an incorporated or endowed high school or academy to be eligible for a grant commitment pursuant to this section such high school or academy shall [(A)] (1) provide educational services to the town or towns designating it as the high school for such town or towns for a period of not less than ten years after completion of grant payments under this section, and [(B)] (2) provide that at least half of the governing board which exercises final educational, financial and legal responsibility for the high school or academy, exclusive of the chairman of such board, be representatives of

the board or boards of education designating the high school or academy as the high school for each such board's town.

Sec. 122. Section 10-285e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The State Board of Education shall include reimbursement for reasonable lease costs that are determined by the Commissioner of **[Education]** [Construction Services](#) to be required as part of a school building project grant under this chapter.

(b) The **[State Board of Education]** [Department of Construction Services](#) shall require renovation projects under this chapter to meet the same state and federal codes and regulations as are required for alteration projects.

Sec. 123. Section 10-286 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The amount of the grant approved by the Commissioner of **[Education]** [Construction Services](#) under the provisions of this chapter for any completed school building project shall be computed as follows:

(1) For the fiscal year ending June 30, **[1984]** [2012](#), and each fiscal year thereafter, in the case of a new school plant, an extension of an existing school building or projects involving the major alteration of any existing building to be used for school purposes, the eligible percentage, as determined in section 10-285a, [as amended by this act](#), of the result of multiplying together the number representing the highest projected enrollment, based on data acceptable to the Commissioner of Education, for such building during the eight-year period from the date a local or regional board of education files a notification of a proposed school building project with the Department of **[Education]** [Construction Services](#), the number of gross square feet per pupil determined by the Commissioner of Education to be adequate for the kind of educational program or programs intended, and the eligible cost of such project, divided by the gross square feet of such building, or the eligible percentage, as determined in section 10-285a, [as amended by this act](#), of the eligible cost of such project, whichever is less; **[, provided, (A) any such project on which construction was started prior to July 1, 1975, shall be reimbursed under the formula in effect prior to said date, (B) any such project on which construction or payments under this chapter were started after June 30, 1975, but prior to July 31, 1983, shall be reimbursed based upon the data, submitted for each such project and accepted by the Department of Education during said period, representing the number of pupils the plant was designed to accommodate, (C) any project for which final grant calculation has been made after June 30, 1975, but prior to July 31, 1983, shall be reimbursed based upon such final calculation, and (D) any such project for which estimated grant payments were begun prior to July 31, 1983, shall be reimbursed based upon the calculation formula used in making such estimated grant payments;]**

(2) In [the](#) case of projects involving the purchase of an existing building to be used for school purposes, the eligible percentage, as determined in section 10-285a, [as amended by this act](#), of

the eligible cost as determined by the Commissioner of [\[Education\] Construction Services](#), provided any project [\[for which an application is made on or after July 1, 1995,\]](#) involving the purchase and renovation of an existing facility, may be exempt from the standard space specifications, and otherwise ineligible repairs and replacements may be considered eligible for reimbursement as part of such a project, if information is provided acceptable to the [\[commissioner\] Commissioner of Construction Services](#) documenting the need for such work and the cost savings to the state and the school district of such purchase and renovation project in comparison to alternative construction options;

(3) If any school building project described in subdivisions (1) and (2) of this subsection includes the construction, extension or major alteration of outdoor athletic facilities, tennis courts or a natatorium, gymnasium or auditorium, the grant for the construction of such outdoor athletic facilities, tennis courts and natatorium shall be limited to one-half of the eligible percentage for subdivisions (1) and (2) of the net eligible cost of construction thereof; the grant for the construction of an area of spectator seating in a gymnasium shall be one-half of the eligible percentage for subdivisions (1) and (2) of the net eligible cost of construction thereof; and the grant for the construction of the seating area in an auditorium shall be limited to one-half of the eligible percentage for subdivisions (1) and (2) of the net eligible cost of construction of the portion of such area that seats one-half of the projected enrollment of the building, as defined in subdivision (1) of this subsection, which it serves;

(4) In the case of a regional agricultural science and technology education center or the purchase of equipment pursuant to subsection (a) of section 10-65 or a regional special education facility pursuant to section 10-76e, an amount equal to the eligible cost of such project, as determined by the Commissioner of [\[Education\] Construction Services](#);

(5) In the case of a public school administrative or service facility, one-half of the eligible percentage for subdivisions (1) and (2) of this subsection of the eligible project cost as determined by the Commissioner of [\[Education\] Construction Services](#), or in the case of a regional educational service center administrative or service facility, the eligible percentage, as determined pursuant to subsection (c) of section 10-285a, [as amended by this act](#), of the eligible project cost as determined by the commissioner;

(6) In the case of the total replacement of a roof or the total replacement of a portion of a roof which has existed for at least twenty years, or in the case of the total replacement of a roof or the total replacement of a portion of a roof which has existed for fewer than twenty years when it is determined by a registered architect or registered engineer that such roof was improperly designed or improperly constructed and the town is prohibited from recovery of damages or has no other recourse at law or in equity, the eligible percentage for subdivisions (1) and (2) of this subsection, of the eligible cost as determined by the Commissioner of [\[Education\] Construction Services](#). In the case of the total replacement of a roof or the total replacement of a portion of a roof which has existed for fewer than twenty years (A) when it is determined by a registered architect or registered engineer that such roof was improperly designed or improperly constructed and the town has recourse at law or in equity and recovers less than such eligible cost, the eligible percentage for subdivisions (1) and (2) of this subsection of the difference between such recovery and such eligible cost, and (B) when the

roof is at least fifteen years old but less than twenty years old and it cannot be determined by a registered architect or registered engineer that such roof was improperly designed or improperly constructed, the eligible percentage for subdivisions (1) and (2) of this subsection of the eligible project costs provided such costs are multiplied by the ratio of the age of the roof to twenty years. For purposes of this subparagraph, the age of the roof shall be determined in whole years to the nearest year based on the time between the completed installation of the old roof and the date of the grant application for the school construction project for the new roof;

(7) **[For the fiscal year ending June 30, 1984, and for each fiscal year thereafter, in]** In the case of projects to correct code violations, the eligible percentage, as determined in section 10-285a, as amended by this act, of the eligible cost as determined by the Commissioner of **[Education]** Construction Services;

(8) In the case of a renovation project, **[for which an application is made on or after July 1, 1995,]** the eligible percentage as determined in subsection (b) of section 10-285a, as amended by this act, multiplied by the eligible costs as determined by the **[commissioner]** Commissioner of Construction Services, provided the project may be exempt from the standard space specifications, and otherwise ineligible repairs and replacements may be considered eligible for reimbursement as part of such a project, if information is provided acceptable to the **[commissioner]** Commissioner of Construction Services documenting the need for such work and the cost savings to the state and the school district of such renovation project in comparison to alternative construction options;

(9) In the case of projects approved to remedy certified school indoor air quality emergencies, the eligible percentage, as determined in section 10-285a, as amended by this act, of the eligible cost as determined by the Commissioner of **[Education]** Construction Services;

(10) In the case of a project involving a turn-key purchase for a facility to be used for school purposes, the eligible percentage, as determined in section 10-285a, as amended by this act, of the net eligible cost as determined by the Commissioner of **[Education]** Construction Services, except that for any project involving such a purchase for which an application is made on or after July 1, **[2006]** 2011, (A) final plans for all construction work included in the turn-key purchase agreement shall be approved by the Commissioner of **[Education]** Construction Services in accordance with section 10-292, as amended by this act, and (B) such project may be exempt from the standard space specifications, and otherwise ineligible repairs and replacements may be considered eligible for reimbursement as part of such project, if information acceptable to the **[commissioner]** Commissioner of Construction Services documents the need for such work and that such a purchase will cost less than constructing the facility in a different manner and will result in a facility taking on a useful life comparable to that of a new facility.

(b) (1) In the case of all grants computed under this section for a project which constitutes a replacement, extension or major alteration of a damaged or destroyed facility, no grant may be paid if a local or regional board of education has failed to insure its facilities and capital equipment in accordance with the provisions of section 10-220. The amount of financial loss due to any damage or destruction to any such facility, as determined by ascertaining the

replacement value of such damage or destruction, shall be deducted from project cost estimates prior to computation of the grant.

(2) In the case of any grants computed under this section for a school building project authorized pursuant to section 10-283, [as amended by this act](#), after July 1, 1979, any federal funds or other state funds received for such school building project shall be deducted from project costs prior to computation of the grant.

[(3) The limitation on grants for new outdoor athletic facilities, tennis courts, natatorium, gymnasium and auditorium shall not apply to school building projects for which applications for review of preliminary plans and specifications on Form 2A were submitted prior to October 1, 1975, in the case of towns and prior to October 15, 1975, in the case of regional school districts.]

[(4) (3) [Commencing with the school construction projects authorized by the General Assembly during the fiscal year ending June 30, 1985, and for all such projects so authorized thereafter, the] The calculation of grants pursuant to this section shall be made in accordance with the state standard space specifications in effect at the time of the final grant calculation, except that on and after July 1, 2005, in the case of a school district with an enrollment of less than one hundred fifty students in grades kindergarten to grade eight, inclusive, state standard space specifications shall not apply in the calculation of grants pursuant to this section and the Commissioner of **[Education]** [Construction Services, in consultation with the Commissioner of Education](#), may modify the standard space specifications for a project in such district.

(c) In the computation of grants pursuant to this section for any school building project authorized by the General Assembly pursuant to section 10-283, [as amended by this act](#), (1) after January 1, 1993, any maximum square footage per pupil limit established pursuant to this chapter or any regulation adopted by the State Board of Education pursuant to this chapter shall be increased by twenty-five per cent for a building constructed prior to 1950; (2) after January 1, 2004, any maximum square footage per pupil limit established pursuant to this chapter or any regulation adopted by the **[State Board of Education]** [Department of Construction Services](#) pursuant to this chapter shall be increased by up to one per cent to accommodate a heating, ventilation or air conditioning system, if needed; (3) for the period from July 1, 2006, to June 30, 2009, inclusive, for projects with total authorized project costs greater than ten million dollars, if total construction change orders or other change directives otherwise eligible for grant assistance under this chapter exceed five per cent of the authorized total project cost, only fifty per cent of the amount of such change order or other change directives in excess of five per cent shall be eligible for grant assistance; and (4) after July 1, 2009, for projects with total authorized project costs greater than ten million dollars, if total construction change orders or other change directives otherwise eligible for grant assistance exceed five per cent of the total authorized project cost, such change order or other change directives in excess of five per cent shall be ineligible for grant assistance.

(d) For any school building project receiving state grant assistance under this chapter, all change orders or other change directives issued for such project [\(1\)](#) on or after July 1, 2008,

until June 30, 2011, shall be submitted, not later than six months after the date of such issuance, to the Commissioner of Education, and (2) on or after July 1, 2011, shall be submitted, not later than six months after the date of such issuance, to the Commissioner of Construction Services, in a manner prescribed by the [commissioner] Commissioner of Construction Services. Only change orders or other change directives submitted to the [commissioner] Commissioner of Education or Commissioner of Construction Services, as applicable, in accordance with this subsection shall be eligible for state grant assistance.

Sec. 124. Section 10-287c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The State Board of Education is authorized to prescribe such rules and regulations as may be necessary to implement the provisions of this chapter, provided any rules or regulations to implement the provisions of sections 10-283, as amended by this act, 10-287, 10-287a, 10-292d and subsection (d) of section 10-292m shall be prescribed in consultation with the Secretary of the Office of Policy and Management. Whenever the Commissioner of Education has made a commitment for a grant on or before June 30, 2011, prior to the completion of a project as provided in section 10-287a, and said commissioner has made advances thereon as provided in said section, any such [rules or] regulations prescribed in accordance with this section which were in effect at the time of such commitment and advances shall be applicable to any additional commitment and subsequent advances with respect to [said] such project.

(b) Not later than June 30, 2013, the Commissioner of Construction Services, in consultation with the Commissioner of Education, shall adopt regulations in accordance with the provisions of chapter 54 in order to implement the provisions of this chapter. Such regulations shall apply to any project for which a grant application is filed with the Department of Education on or after July 1, 2013.

Sec. 125. Section 10-264h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) [(1)] For the fiscal year ending June 30, 1996, until the fiscal year ending June 30, 2003, a local or regional board of education, regional educational service center or a cooperative arrangement pursuant to section 10-158a for purposes of an interdistrict magnet school may be eligible for reimbursement up to the full reasonable cost of any capital expenditure for the purchase, construction, extension, replacement, leasing or major alteration of interdistrict magnet school facilities, including any expenditure for the purchase of equipment, in accordance with this section. [(A)] For the fiscal year ending June 30, 2004, [and each fiscal year thereafter, such entities, and (B) for the fiscal year ending June 30, 2008, and each fiscal year thereafter] until the fiscal year ending June 30, 2011, the following entities that operate an interdistrict magnet school that assists the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. , as determined by the [commissioner] Commissioner of Education may be eligible for reimbursement up to ninety-five per cent of such cost: [(i)] (1) The Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, [(ii)] (2) the Board of Trustees of the Connecticut State University System on behalf of a state university, [(iii)] (3) the Board of Trustees for The

University of Connecticut on behalf of the university, [(iv)] (4) the board of governors for an independent college or university, as defined in section 10a-37, or the equivalent of such a board, on behalf of the independent college or university, and [(v)] (5) any other third-party not-for-profit corporation approved by the [commissioner may be eligible for reimbursement up to ninety-five per cent of such cost.] Commissioner of Education. For the fiscal year ending June 30, 2012, and each fiscal year thereafter, a project eligible for reimbursement under this section, except as otherwise provided for, may be eligible for reimbursement up to eighty per cent of the eligible cost of such project. To be eligible for reimbursement under this section a magnet school construction project shall meet the requirements for a school building project established in chapter 173, except that the Commissioner of [Education] Construction Services, in consultation with the Commissioner of Education, may waive any requirement in such chapter for good cause. On and after July 1, [1997] 2011, the [commissioner] the Commissioner of Construction Services shall approve only applications for reimbursement under this section that [he] the Commissioner of Education finds will reduce racial, ethnic and economic isolation. [On and after July 1, 2009, applications] Applications for reimbursement under this section for the construction of new interdistrict magnet schools shall not be accepted until the [commissioner] Commissioner of Education develops a comprehensive state-wide interdistrict magnet school plan, in accordance with the provisions of subdivision (1) of subsection (b) of section 10-264l, unless the [commissioner] Commissioner of Education determines that such construction will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.

[(2) (A) Not later than July 1, 2007, the Commissioner of Education and the president of the Connecticut Science Center, Inc. shall enter into a memorandum of understanding establishing the parameters within which the center shall operate as and be given the status of a state-wide magnet science learning center. Upon achieving such status, the Connecticut Science Center, Inc. shall be eligible to apply for, in accordance with the provisions of subparagraph (B) of this subdivision, a grant of reimbursement of ninety-five per cent of any expenditures for the construction, replacement, alteration or repair of its facilities, including the reasonable and necessary costs for major exhibits. The Connecticut Science Center, Inc. may fund its five per cent share of expenditures from private contributions.

(B) To be eligible to receive a grant pursuant to this subdivision, the Connecticut Science Center, Inc. shall file an application with the Commissioner of Education in such form and manner as the commissioner prescribes. Construction projects at the magnet science learning center shall meet the requirements of chapter 173, except that the commissioner may waive any requirements in such chapter for good cause.]

(b) Subject to the provisions of subsection (a) of this section, the applicant shall receive current payments of scheduled estimated eligible project costs for the facility, provided (1) the applicant files an application for a school building project, in accordance with section 10-283, as amended by this act, by the date prescribed by the [commissioner] Commissioner of Education, (2) final plans and specifications for the project are approved pursuant to sections 10-291 and 10-292, and (3) such district submits to the [commissioner] Commissioner of Education, in such form as the commissioner prescribes, and the commissioner approves a plan for the operation of the facility which includes, but need not be limited to: A description

of the educational programs to be offered, the completion date for the project, an estimated budget for the operation of the facility, written commitments for participation from the districts that will participate in the school and an analysis of the effect of the program on the reduction of racial, ethnic and economic isolation. The [commissioner] [Commissioner of Education](#) shall notify the [Commissioner of Construction Services and the](#) secretary of the State Bond Commission when the provisions of subdivisions (1) and (3) of this subsection have been met. Upon application to the Commissioner of Education, compliance with the provisions of subdivisions (1) and (3) of this subsection and after authorization by the General Assembly pursuant to section 10-283, [as amended by this act](#), the applicant shall be eligible to receive progress payments in accordance with the provisions of section 10-287i.

(c) (1) If the school building ceases to be used as an interdistrict magnet school facility and the grant was provided for the purchase or construction of the facility, the [commissioner] [Commissioner of Construction Services, in consultation with the Commissioner of Education](#), shall determine whether (A) title to the building and any legal interest in appurtenant land shall revert to the state, or (B) the school district shall reimburse the state an amount equal to the difference between the amount received pursuant to this section and the amount the district would have been eligible to receive based on the percentage determined pursuant to section 10-285a, [as amended by this act](#), multiplied by the estimated eligible project costs. (2) If the school building ceases to be used as an interdistrict magnet school facility and the grant was provided for the extension or major alteration of the facility, the school district shall reimburse the state the amount determined in accordance with subparagraph (B) of subdivision (1) of this subsection. A school district receiving a request for reimbursement pursuant to this subdivision shall reimburse the state not later than the close of the fiscal year following the year in which the request is made. If the school district fails to so reimburse the state, the Department of [Education] [Construction Services](#) may [request the Department of Education to](#) withhold such amount from the total sum which is paid from the State Treasury to such school district or the town in which it is located or, in the case of a regional school district, the towns which comprise the school district. If the amount paid from the State Treasury is less than the amount due, the [department] [Department of Construction Services](#) may refer the matter to the Department of Administrative Services for collection.

(d) The [commissioner] [Commissioner of Construction Services](#) shall provide for a final audit of all project expenditures pursuant to this section and may require repayment of any ineligible expenditures.

Sec. 126. Section 10-290a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Commissioner of [Education] [Construction Services, in consultation with the Commissioner of Education](#), shall provide advisory services to local officials and agencies on long range school plant planning and educational specifications and review the sketches and preliminary plans and outline specifications for any school building project and the educational program which it is designed to house and advise boards of education and school building committees regarding the suitability of such plans on the basis of educational effectiveness, sound construction and reasonable economy of cost, including energy economy

and efficiency.

Sec. 127. Section 10-290b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Commissioner of **[Education]** [Construction Services, in consultation with the Commissioner of Education](#), shall arrange for the collection, publication and distribution of information on procedures for school building committees, building methods and materials suitable for school construction and on relevant educational methods, requirements and materials, and shall furnish such information to towns or regional school districts planning school construction. **[Said commissioner]** [The Commissioner of Construction Services](#), through the school construction economy service, shall from time to time inform local officials and agencies involved in school construction of the services available under sections 10-290a to 10-290d, inclusive.

Sec. 128. Section 10-291a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Notwithstanding the provisions of this chapter, in the case of a school building project to expand an existing school building, the **[State Board of Education]** [Commissioner of Construction Services](#) shall not require code compliance improvements to the existing part of the building not affected by the project as a condition of reimbursement for the project under this chapter.

Sec. 129. Subsection (a) of section 10-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Upon receipt by the Commissioner of Education of the final plans for any phase of a school building project as provided in section 10-291, [as amended by this act](#), said commissioner shall promptly review such plans and check them to the extent appropriate for the phase of development or construction for which final plans have been submitted to determine whether they conform with the requirements of the State Fire Safety Code, the Department of Public Health, the life-cycle cost analysis approved by the Commissioner of **[Public Works]** [Construction Services](#), the State Building Code and the state and federal standards for design and construction of public buildings to meet the needs of disabled persons, and if acceptable a final written approval of such phase shall be sent to the town or regional board of education and the school building committee. No phase of a school building project, subject to the provisions of subsection (c) or (d) of this section, shall go out for bidding purposes prior to such written approval.

Sec. 130. Subsection (d) of section 10-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(d) If the Department of Administrative Services or the Department of **[Public Works]** [Construction Services](#) makes a state contract available for use by towns or regional school districts, a town or regional school district may use such contract, provided the actual estimate

for the school building project under the state contract is not given until receipt by the town or regional school district of approval of the plan pursuant to this section.

Sec. 131. (*Effective July 1, 2011*) Not later than January 2, 2012, the Commissioner of Construction Services shall submit a plan for providing school building project grants pursuant to chapter 173 of the general statutes for the purchase or replacement of a heating, ventilation or air conditioning system that would provide greater energy efficiency or reduce heating fuel costs for a town or district to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, education and finance, revenue and bonding, in accordance with the provisions of section 11-4a of the general statutes. Such plan shall include, but not be limited to, (1) the criteria and conditions for state reimbursement for such projects, (2) recommendations for reimbursement rates for such projects, (3) an estimate of the potential cost to the state for reimbursing such projects, (4) an estimate of potential savings to towns or districts for such projects, and (5) various methods of sharing any realized savings from such projects between the towns or districts and the state.

Sec. 132. (NEW) (*Effective July 1, 2011*) (a) There is established a School Building Projects Advisory Council. The council shall consist of: (1) The Secretary of the Office of Policy and Management, or the secretary's designee, (2) the Commissioner of Construction Services, or the commissioner's designee, and (3) three members appointed by the Governor, one of whom shall be a person with experience in school building project matters, one of whom shall be a person with experience in architecture and one of whom shall be a person with experience in engineering. The chairperson of the council shall be the Commissioner of Construction Services, or the commissioner's designee. A person employed by the Department of Construction Services who is responsible for school building projects shall serve as the administrative staff of the council. The council shall meet at least quarterly to discuss matters relating to school building projects.

(b) The School Building Projects Advisory Council shall (1) develop model blueprints for new school building projects, (2) conduct studies, research and analyses, and (3) make recommendations for improvements to the school building projects processes to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education and finance, revenue and bonding.

Sec. 133. (NEW) (*Effective July 1, 2011*) (a) There is established a Department of Emergency Services and Public Protection. Said department shall be the designated emergency management and homeland security agency for the state. The department head shall be the Commissioner of Emergency Services and Public Protection, who shall be appointed by the Governor in accordance with sections 4-5 to 4-8, inclusive, of the general statutes, as amended by this act, with the powers and duties prescribed in said sections. The commissioner shall be responsible for providing a coordinated, integrated program for the protection of life and property and for state-wide emergency management and homeland security. The commissioner shall appoint not more than two deputy commissioners who shall, under the direction of the commissioner, assist in the administration of the department. The commissioner may do all things necessary to apply for, qualify for and accept any federal

funds made available or allotted under any federal act for emergency management or homeland security.

(b) The Department of Emergency Services and Public Protection shall constitute a successor agency to the Department of Emergency Management and Homeland Security in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

(c) The Department of Emergency Services and Public Protection shall constitute a successor agency to the Department of Public Safety, except as to chapters 531, 532 and 538 to 541a, inclusive, of the general statutes, in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

(d) Any order or regulation of the Department of Public Safety, which is in force on July 1, 2011, except those orders or regulations pertaining to chapters 531, 532 and 538 to 541a, inclusive, of the general statutes, shall continue in force and effect as an order or regulation of the Department of Emergency Services and Public Protection until amended, repealed or superseded pursuant to law. Where any order or regulation of said departments or the Department of Emergency Management and Homeland Security conflict, the Commissioner of Emergency Services and Public Protection may implement policies and procedures consistent with the provisions of this section, sections 2, 3, 5 and 50 of this act, and sections 29-1b, 3-122, 3-123, 3-123e, 4-5, 4-38c, 4b-136, 4d-90, 5-182, 7-294b, 7-294d, 7-294e, 7-294p, 7-323k, 7-323l, 7-323p, 7-521, 10a-55a, 14-283a, 16a-13b, 16a-106, 19a-487, 21a-274a, 22a-601, 28-1, 28-1a, 28-1i, 28-24, 28-29a, 29-1p, 29-4, 29-5, 29-36l, 29-179i, 53-202d, 54-1m, 54-64g and 54-142q of the general statutes, as amended by this act, while in the process of adopting the policy or procedure in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal within twenty days of implementation. The policy or procedure shall be valid until the time final regulations are effective.

Sec. 134. (*Effective July 1, 2011*) (a) (1) Wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof; and (2) wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof: 1-24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169, 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10, 14-64, 14-67j, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c, 14-211a, 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to 14-270f, inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137, 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283, 22a-2, 23-8b, 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-27a, 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b, 29-3a, 29-3b, 29-4a, 29-6a, 29-7, 29-7b, 29-7c, 29-7h, 29-7m, 29-7n, 29-8, 29-9, 29-10, 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-17b, 29-17c, 29-18 to 29-23a, inclusive, 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33, 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive, 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-

153, 29-155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m, inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive, 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h, 31-275, 38a-18, 38a-356, 45a-63, 46a-4b, 46a-170, 46b-15a, 46b-38d, 46b-38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202, 53-202b, 53-202c, 53-202g, 53-202l, 53-202n, 53-202o, 53-278c, 53-341b, 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1l, 54-36e, 54-36i, 54-36n, 54-47aa, 54-63c, 54-76l, 54-86k, 54-102g to 54-102j, inclusive, 54-102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258, inclusive, 54-259a, 54-260b, and 54-300.

(b) (1) Wherever the term "Department of Emergency Management and Homeland Security" is used in the following general statutes, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof; and (2) wherever the term "Commissioner of Emergency Management and Homeland Security" is used in the following general statutes, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof: 1-210, 4-66f, 5-213, 16-32e, 16-245n, 16-245aa, 19a-131g, 21a-70c, 22a-603, 28-1j to 28-1k, inclusive, 28-14a, 28-22a, 28-28a, and 28-31.

(c) Wherever the term "Department of Emergency Management and Homeland Security" is used in any special or public act of 2011, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof. Wherever the term "Commissioner of Emergency Management and Homeland Security" is used in any special or public act of 2011, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof.

(d) Wherever the term "Division of State Police within the Department of Public Safety" is used in any special or public act of 2011, the term "Division of State Police within the Department of Emergency Services and Public Protection" shall be substituted in lieu thereof.

(e) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 135. (*Effective July 1, 2011*) Not later than November 1, 2011, and January 2, 2012, the Commissioner of Emergency Services and Public Protection shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and public safety concerning (1) the status of the merger of the Departments of Public Safety and Emergency Management and Homeland Security, the Commission on Fire Prevention and Control, the Police Officer Standards and Training Council and the Office of State-Wide Emergency Telecommunications in accordance with the provisions of this section, sections 1, 3, 5 and 50 of this act, and sections 29-1b, 3-122, 3-123, 3-123e, 4-5, 4-38c, 4b-136, 4d-90, 5-182, 7-294b, 7-294d, 7-294e, 7-294p, 7-323k, 7-323l, 7-323p, 7-521, 10a-55a, 14-283a, 16a-13b, 16a-106, 19a-487, 21a-274a, 22a-601, 28-1, 28-1a, 28-1i, 28-24, 28-29a, 29-1p, 29-4, 29-5, 29-36l, 29-179i, 53-202d, 54-1m, 54-64g and 54-142q of the general statutes, as amended by this act, and (2) any recommendations for further legislative action concerning such merger.

Sec. 136. Section 29-1b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a) There shall be a Department of Public Safety. The department head shall be the Commissioner of Public Safety, who shall be appointed by the Governor in accordance with the provisions of sections 4-5, 4-6, 4-7 and 4-8 with the powers and duties therein prescribed. The commissioner shall be the chief administrative officer of the department and shall have the responsibility for providing a coordinated, integrated program for the protection of life and property. The commissioner may appoint not more than three deputy commissioners of public safety, who shall, under the direction of the commissioner, assist in the administration of the department.]

[(b)] (a) There shall be within the Department of [Public Safety] Emergency Services and Public Protection a Division of State Police. The Commissioner of [Public Safety] Emergency Services and Public Protection shall serve as administrative head and commanding officer of the State Police Division. [In his capacity as] As administrative head, said commanding officer of the Division of State Police [may] shall delegate [his] said commanding officer's jurisdiction of the affairs of the Division of State Police to a deputy commissioner who shall have the powers and privileges conferred by statute upon a state policeman.

[(c) Said department shall constitute a successor department to the Department of State Police in accordance with the provisions of sections 4-38d and 4-39.]

(b) There shall be within said department a Division of Emergency Management and Homeland Security. The commissioner shall serve as administrative head of such division. As administrative head, said commissioner shall delegate said commissioner's jurisdiction of the Division of Emergency Management and Homeland Security to a deputy commissioner. The deputy commissioner shall possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services and emergency response. No person possessing a record of any criminal, unlawful or unethical conduct shall be eligible for or hold such position. Any person with any present or past political activities or financial interests that may substantially conflict with the duties of the deputy commissioner or expose such person to potential undue influence or compromise such person's ability to be entrusted with necessary state or federal security clearances or information shall be deemed unqualified for such position and shall not be eligible to hold such position.

Sec. 137. (NEW) (*Effective July 1, 2011*) (a) There is established a Coordinating Advisory Board to advise the Department of Emergency Services and Public Protection with respect to: (1) Strategies to improve internal and external communication and cooperation in the provision of emergency response services on the state and local level; (2) strategies to improve emergency response and incident management in areas including, but not limited to, communications and use of technology and the coordination and implementation of state and federally required emergency response plans; (3) improvements in the state's use of regional management structures; and (4) strengthening cooperation and communication among federal, state and local governments, the Connecticut National Guard, police, fire, emergency medical and other

first responders, emergency managers and public health officials.

(b) The Commissioner of Emergency Services and Public Protection, or said commissioner's designee, shall serve as the chair of the Coordinating Advisory Board. The board shall consist of: (1) The president of the Connecticut State Firefighters Association or a designee, representing volunteer firefighters; (2) the president of the Uniformed Professional Firefighters Association or a designee, representing professional firefighters; (3) the president of the American Federation of State County and Municipal Employees, Council 15, or a designee, representing municipal police officers; (4) the executive director of the Connecticut Conference of Municipalities or a designee; (5) a member of the Police Officer Standards Training Council, designated by the chairperson of said council; (6) a member of the Commission on Fire Prevention and Control, designated by the chairperson of said commission; (7) the president of the Connecticut Emergency Management Association or a designee; and (8) one representative, designated by the Commissioner of Emergency Services and Public Protection, from the Office of State-Wide Emergency Telecommunications and from each of the divisions of Emergency Management and Homeland Security, State Police and Scientific Services within the Department of Emergency Services and Public Protection. Said board shall convene quarterly and at such other times as the chair deems necessary.

(c) Not later than January 2, 2012, and annually thereafter, the board shall submit a report, in accordance with section 11-4a of the general statutes, to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to public safety concerning its findings and recommendations with respect to any communication and cooperation necessary to enhance state and local government emergency response and the protection of the citizens of the state.

Sec. 138. Section 3-122 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

When any person, under the provisions of the constitution and bylaws of the Police Association of Connecticut, is entitled to relief from said association as a police officer injured in the line of duty, or rendered sick by disease contracted while in the line of duty, or as the widow, child or dependent mother of a police officer killed in the line of duty, the [Comptroller] [Commissioner of Emergency Services and Public Protection](#) shall, upon the delivery to [him] [said commissioner](#) of adequate proof from said association of the right of such person to such relief as aforesaid, [draw his order upon the Treasurer in favor of the] [process payment for such](#) person or persons entitled to such relief, or their legal representatives, for the amount to which such person or persons may be entitled as relief as aforesaid, provided such orders shall be limited to available appropriations.

Sec. 139. Section 3-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Whenever a person, under the provisions of the constitution and bylaws of The Connecticut State Firefighters Association, is entitled to relief from said association, as a firefighter injured in the line of duty, or rendered sick by disease contracted while in the line of duty, or as the

widow or child of a firefighter killed in the line of duty, the [Comptroller] [Commissioner of Emergency Services and Public Protection](#) shall, upon the delivery to [him] [said commissioner](#) of proper proofs from said association of the right of such person to relief as aforesaid, [draw his order upon the Treasurer in favor of the](#) [process payment for such](#) person or persons entitled to such relief, or their legal representative, for the amount to which such person or persons are entitled as relief as aforesaid, provided such orders shall be limited to available appropriations.

Sec. 140. Section 3-123e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The [Comptroller] [Commissioner of Emergency Services and Public Protection](#) shall disburse to any regional fire school, regional emergency dispatch center or any state or county-wide fire radio base network, in the form of a grant, such funds as may be appropriated to the [Comptroller] [Department of Emergency Services and Public Protection](#) for the purposes of such fire school, emergency dispatch center or fire radio base network. Each such grant shall be disbursed in equal quarterly amounts at the beginning of each quarter of the state fiscal year. After the close of each fiscal year, each such fire school, emergency dispatch center or fire radio base network shall submit to the [Comptroller] [Commissioner of Emergency Services and Public Protection](#), through the Connecticut State Firemen's Association, an audited report concerning the disbursement of such grant funds.

Sec. 141. Section 4-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency [Management and Homeland Security](#) [Services and Public Protection](#), Commissioner of Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of Mental Health and Addiction Services, [Commissioner of Public Safety](#), Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Public Works, Commissioner of Veterans' Affairs, Chief Information Officer, the chairperson of the Public Utilities Control Authority, the executive director of the Board of Education and Services for the Blind, the executive director of the Connecticut Commission on Culture and Tourism, and the executive director of the Office of Military Affairs. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education.

Sec. 142. Section 4-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

There shall be within the executive branch of state government the following departments:

Office of Policy and Management, Department of Administrative Services, Department of Revenue Services, Department of Banking, Department of Agriculture, Department of Children and Families, Department of Consumer Protection, Department of Correction, Department of Economic and Community Development, State Board of Education, Department of Emergency **[Management and Homeland Security]** [Services and Public Protection](#), Department of Environmental Protection, Department of Public Health, Board of Governors of Higher Education, Insurance Department, Labor Department, Department of Mental Health and Addiction Services, Department of Developmental Services, **[Department of Public Safety,]** Department of Social Services, Department of Transportation, Department of Motor Vehicles, Department of Veterans' Affairs, Department of Public Works and Department of Public Utility Control.

Sec. 143. Subsection (a) of section 4b-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a State-Wide Security Management Council. The council shall consist of the [following members or their designees](#): The Commissioner of **[Public Safety]** [Emergency Services and Public Protection](#), the Commissioner of Administrative Services, the Commissioner of Mental Health and Addiction Services, the Commissioner of Public Works, **[the Commissioner of Emergency Management and Homeland Security,]** the Secretary of the Office of Policy and Management, the Chief Court Administrator, **[an attorney appointed by the Commissioner of Public Works,]** the executive director of the Joint Committee on Legislative Management, a representative of the Governor, a representative of the State Employees Bargaining Agent Coalition, **[and]** the president of the Connecticut State Police Union **[or the president's designee]** [and the president of the Uniformed Professional Fire Fighters Association](#). The Commissioner of Public Works shall serve as chairperson of the council. Each council member shall provide technical assistance in the member's area of expertise, as required by the council.

Sec. 144. Subsection (a) of section 4d-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Geospatial Information Systems Council consisting of the following members, or their designees: (1) The Secretary of the Office of Policy and Management; (2) the Commissioners of Environmental Protection, Economic and Community Development, Transportation, **[Public Safety,]** Public Health, Public Works, Agriculture, Emergency **[Management and Homeland Security]** [Services and Public Protection](#) and Social Services; (3) the Chief Information Officer of the Department of Information Technology; (4) the Chancellor of the Connecticut State University System; (5) the president of The University of Connecticut; (6) the Executive Director of the Connecticut Siting Council; (7) one member who is a user of geospatial information systems appointed by the president pro tempore of the Senate representing a municipality with a population of more than sixty thousand; (8) one member who is a user of geospatial information systems appointed by the minority leader of the Senate representing a regional planning agency; (9) one member who is a user of geospatial information systems appointed by the Governor representing a municipality with a population of less than sixty thousand but more than thirty thousand; (10) one member who is

a user of geospatial information systems appointed by the speaker of the House of Representatives representing a municipality with a population of less than thirty thousand; (11) one member appointed by the minority leader of the House of Representatives who is a user of geospatial information systems; (12) the chairperson of the Public Utilities Control Authority; (13) the Adjutant General of the Military Department; and (14) any other persons the council deems necessary appointed by the council. The Governor shall select the chairperson from among the members. The chairperson shall administer the affairs of the council. Vacancies shall be filled by appointment by the authority making the appointment. Members shall receive no compensation for their services on said council, but shall be reimbursed for necessary expenses incurred in the performance of their duties. Said council shall hold one meeting each calendar quarter and such additional meetings as may be prescribed by council rules. In addition, special meetings may be called by the chairperson or by any three members upon delivery of forty-eight hours written notice to each member.

Sec. 145. Subsection (d) of section 5-182 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(d) Any employee of the radiological maintenance and calibration facility shall be credited for retirement purposes under this chapter with [\[his\] such employee's](#) period of full-time service commencing with the date upon which such employee began work at said facility under individual contract with the Commissioner of Emergency [\[Management and Homeland Security\] Services and Public Protection](#) upon payment into the State Employees Retirement Fund of such contributions as [\[he\] such employee](#) would have paid if [\[he\] such employee](#) had been a state employee during the period of such service and [\[his\] such employee's](#) salary for such service had been paid by the state, with five per cent interest on such contribution from the date of [\[his\] such employee's](#) entry into such service to the date of payment.

Sec. 146. Subsection (a) of section 7-294b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There shall be a Police Officer Standards and Training Council which shall be within the Division of State Police of the Department of [\[Public Safety for administrative purposes only\] Emergency Services and Public Protection](#) and which shall consist of the following members appointed by the Governor: (1) A chief administrative officer of a town or city in Connecticut; (2) the chief elected official or chief executive officer of a town or city in Connecticut with a population under twelve thousand which does not have an organized police department; (3) a member of the faculty of The University of Connecticut; (4) eight members of the Connecticut Police Chiefs Association who are holding office or employed as chief of police or the highest ranking professional police officer of an organized police department of a municipality within the state; (5) the Chief State's Attorney; (6) a sworn municipal police officer whose rank is sergeant or lower; and (7) five public members. The Commissioner of [\[Public Safety\] Emergency Services and Public Protection](#) and the Federal Bureau of Investigation special agent-in-charge in Connecticut or their designees shall be voting ex-officio members of the council. Any nonpublic member of the council shall immediately, upon the termination of [\[his\] such member's](#) holding the office or employment [\[which\] that](#) qualified [\[him\] such member](#) for appointment, cease to be a member of the council. A member appointed to fill a vacancy shall

be appointed for the unexpired term of the member whom [he] [such member](#) is to succeed in the same manner as the original appointment. The Governor shall appoint a chairperson and the council shall appoint a vice-chairperson and a secretary from among the members. The members of the council shall serve without compensation but shall be entitled to actual expenses involved in the performance of their duties.

Sec. 147. Section 7-294d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Police Officer Standards and Training Council shall have the following powers:

(1) To develop and periodically update and revise a comprehensive municipal police training plan;

(2) To approve, or revoke the approval of, any police training school and to issue certification to such schools and to revoke such certification;

(3) To set the minimum courses of study and attendance required and the equipment and facilities to be required of approved police training schools;

(4) To set the minimum qualifications for law enforcement instructors and to issue appropriate certification to such instructors;

(5) To require that all probationary candidates receive the hours of basic training deemed necessary before being eligible for certification, such basic training to be completed within one year following the appointment as a probationary candidate, unless the candidate is granted additional time to complete such basic training by the council;

(6) To require the registration of probationary candidates with the academy within ten days of hiring for the purpose of scheduling training;

(7) To issue appropriate certification to police officers who have satisfactorily completed minimum basic training programs;

(8) To require that each police officer satisfactorily complete at least forty hours of certified review training every three years in order to maintain certification, unless the officer is granted additional time not to exceed one year to complete such training by the council;

(9) To renew the certification of those police officers who have satisfactorily completed review training programs;

(10) To establish uniform minimum educational and training standards for employment as a police officer in full-time positions, temporary or probationary positions and part-time or voluntary positions;

(11) To [develop, in consultation with the Commissioner of Emergency Services and Public](#)

Protection, a schedule to visit and inspect police basic training schools and to inspect each school at least once each year;

(12) To consult with and cooperate with universities, colleges and institutes for the development of specialized courses of study for police officers in police science and police administration;

(13) To **[consult with and cooperate]** work with the Commissioner of Emergency Services and Public Protection and with departments and agencies of this state and other states and the federal government concerned with police training;

(14) To **[employ an executive director and]** make recommendations to the Commissioner of Emergency Services and Public Protection concerning the hiring of staff, within available appropriations, **[to employ any other personnel]** that may be necessary in the performance of its functions;

(15) To perform any other acts that may be necessary and appropriate to carry out the functions of the council as set forth in sections 7-294a to 7-294e, inclusive, as amended by this act;

(16) To accept, with the approval of the Commissioner of Emergency Services and Public Protection, contributions, grants, gifts, donations, services or other financial assistance from any governmental unit, public agency or the private sector;

(17) To conduct any inspection and evaluation that may be necessary to determine if a law enforcement unit is complying with the provisions of this section;

(18) At the request and expense of any law enforcement unit, to conduct general or specific management surveys;

(19) To develop objective and uniform criteria for **[granting]** recommending any waiver of regulations or granting a waiver of procedures established by the council;

(20) To recruit, select and appoint candidates to the position of probationary candidate, as defined in section 7-294a, as amended by this act, and provide recruit training for candidates of the Connecticut Police Corps program in accordance with the Police Corps Act, 42 USC 14091 et seq. , as amended from time to time; and

(21) To develop, adopt and revise, as necessary, comprehensive accreditation standards for the administration and management of law enforcement units, to grant accreditation to those law enforcement units that demonstrate their compliance with such standards and, at the request and expense of any law enforcement unit, to conduct such surveys as may be necessary to determine such unit's compliance with such standards. **[; and]**

[(22) To appoint any council training instructor, or such other person as determined by the council, to act as a special police officer throughout the state as such instructor or other

person's official duties may require, provided any such instructor or other person so appointed shall be a certified police officer. Each such special police officer shall be sworn and may arrest and present before a competent authority any person for any offense committed within the officer's precinct.]

(b) No person may be employed as a police officer by any law enforcement unit for a period exceeding one year unless [he] [such person](#) has been certified under the provisions of subsection (a) of this section or has been granted an extension by the council. No person may serve as a police officer during any period when [his] [such person's](#) certification has been cancelled or revoked pursuant to the provisions of subsection (c) of this section. In addition to the requirements of this subsection, the council may establish other qualifications for the employment of police officers and require evidence of fulfillment of these qualifications. The certification of any police officer who is not employed by a law enforcement unit for a period of time in excess of two years, unless such officer is on leave of absence, shall be considered lapsed. Upon reemployment as a police officer, such officer shall apply for recertification in a manner provided by the council. The council shall certify any applicant who presents evidence of satisfactory completion of a program or course of instruction in another state equivalent in content and quality to that required in this state, provided [he] [such applicant](#) passes an examination or evaluation as required by the council.

(c) (1) The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification.

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of subsection (c) of section 21a-279 or section 29-9, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, or (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in the second degree in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such cancellation or revocation. The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H) or (I) of this subdivision. Any police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no

sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final.

(d) Notwithstanding the provisions of subsection (b) of this section, any police officer, except a probationary candidate, who is serving under full-time appointment on July 1, 1982, shall be deemed to have met all certification requirements and shall be automatically certified by the council in accordance with the provisions of subsection (a) of section 7-294e, [as amended by this act](#).

(e) The provisions of this section shall apply to any person who performs police functions. As used in this subsection, "performs police functions" for a person who is not a police officer, as defined in section 7-294a, means that in the course of [\[his\] such person's](#) official duties, such person carries a firearm and exercises arrest powers pursuant to section 54-1f or engages in the prevention, detection or investigation of crime, as defined in section 53a-24. The council shall establish criteria by which the certification process required by this section shall apply to police officers.

(f) The provisions of this section shall not apply to (1) any state police training school or program, (2) any sworn member of the Division of State Police within the Department of [\[Public Safety\] Emergency Services and Public Protection](#), (3) Connecticut National Guard security personnel, when acting within the scope of their National Guard duties, who have satisfactorily completed a program of police training conducted by the United States Army or Air Force, (4) employees of the Judicial Department, (5) municipal animal control officers appointed pursuant to section 22-331, or (6) fire police appointed pursuant to section 7-313a. The provisions of this section with respect to renewal of certification upon satisfactory completion of review training programs shall not apply to any chief inspector or inspector in the Division of Criminal Justice who has satisfactorily completed a program of police training conducted by the division.

Sec. 148. Section 7-294e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Notwithstanding the provisions of any general statute or special act or local law, ordinance or charter to the contrary, each police officer shall forfeit [\[his\] such officer's](#) appointment and position unless recertified by the council according to procedures and within the time frame established by the council.

(b) The Police Officer Standards and Training Council may [\[adopt\] recommend to the Commissioner of Emergency Services and Public Protection](#) any regulations it deems necessary to carry out the provisions of section 7-294a, subsection (a) of section 7-294b, [as amended by this act](#), sections 7-294c, 7-294d, [as amended by this act](#), and this section, [\[in accordance with the provisions of chapter 54,\]](#) giving due consideration to the varying factors and special requirements of law enforcement units. [\[Such regulations shall be binding upon all law enforcement units, except the Division of State Police within the Department of Public](#)

Safety.]

(c) The Commissioner of Emergency Services and Public Protection may adopt regulations, in accordance with the provisions of chapter 54, as are necessary to implement the provisions of section 7-294a, subsection (a) of section 7-294b, as amended by this act, sections 7-294c, 7-294d, as amended by this act, and this section. Such regulations shall be binding upon all law enforcement units, except the Division of State Police within the Department of Emergency Services and Public Protection.

Sec. 149. Section 7-294p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[The Police Officer Standards and Training Council may recover from any municipality that (1) operated a local police training school, and (2) ceased the operation of such school on or after January 1, 2007, the costs of providing law enforcement training at the Connecticut Police Academy for such municipality's recruits.]

(a) The Department of Emergency Services and Public Protection shall maintain and operate the Connecticut Police Academy to offer training for municipal police officers. The department shall fix tuition and fees for training, education programs and sessions and for such other purposes as the Commissioner of Emergency Services and Public Protection deems necessary for the operation and support of the academy, subject to the approval of the Office of Policy and Management. Such fees shall be used solely for training and educational purposes.

(b) The department may establish and maintain a municipal police officer training and education extension account, which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. The account shall be used for the operation of such training and education programs and sessions as the Department of Emergency Services and Public Protection may establish. All proceeds derived from the operation of the training and education programs and sessions shall be deposited in the General Fund and shall be credited to and become a part of the resources of the account. All direct expenses incurred in the conduct of the training and education programs and sessions shall be charged and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of interest and principal of bonds and any cost of equipment for such operations may be charged, against the account on order of the State Comptroller. Any balance of receipts above expenditures shall remain in the account to be used for training and education programs and sessions.

Sec. 150. Section 7-323k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Commission on Fire Prevention and Control to consist of twelve members appointed by the Governor. The State Fire Marshal or [his] such fire marshal's designee and the chancellor of the community-technical colleges or [his] such chancellor's designee shall serve as ex-officio, voting members of said commission. Of the twelve members appointed by the Governor, two shall represent The Connecticut State [Firemen's] Firefighter's

Association, two shall represent the Connecticut Fire Chiefs Association, two shall represent the Uniformed [Professional](#) Firefighters of the International Association of Firefighters, AFL-CIO, two shall represent the Connecticut Fire Marshals Association, two shall represent the Connecticut Fire Department Instructors Association and two shall represent the Connecticut Conference of Municipalities.

(b) On or before July fifteenth, annually, each organization to be represented on said commission shall submit to the Governor a list of nominees for appointment to said commission, which list the Governor may use when making [\[his\]](#) appointments to said commission. On or before September 1, 1975, the Governor shall appoint eight members of said commission to serve for a term of three years and on or before September 1, 1976, he shall appoint four members for a term of one year. Thereafter he shall appoint members to said commission, to replace those whose terms have expired, to serve for three years. Persons appointed to said commission shall be qualified, by experience or education, in the fields of fire protection, fire prevention, fire suppression, fire fighting and related fields.

(c) The commission shall meet at such times and at such places as it deems proper. Said commission shall elect from its membership a chairman, vice chairman and secretary who shall serve a one year term commencing on October first of the year in which they are elected, provided nothing contained herein shall prevent their reelection to such office. No member of said commission shall receive compensation for [\[his\]](#) [such member's](#) services.

(d) Members of the commission shall not be considered as holding public office solely by virtue of their membership on said commission.

(e) The commission shall be within the Department of [\[Public Safety for administrative purposes only\]](#) [Emergency Services and Public Protection](#).

Sec. 151. Section 7-323l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The commission shall:

(1) Recommend minimum standards of education and physical condition required of each candidate for any firefighter position;

(2) Establish standards for a fire service training and education program, on a voluntary basis, and develop and conduct an examination program to certify those fire service personnel who satisfactorily demonstrate their ability to meet the requirements of the fire service training and education program standards;

(3) Conduct fire fighting training and education programs designed to assist firefighters in developing and maintaining their skills and keeping abreast of technological advances in fire suppression, fire protection, fire prevention and related fields;

(4) Recommend standards for promotion to the various ranks of fire departments;

(5) Be authorized, [with the approval of the Commissioner of Emergency Services and Public Protection](#), to apply for, receive and distribute any federal or private funds or contributions available for training and education of fire fighting personnel; and

(6) Submit to the Governor, [\[and\] Joint Legislative Management Committee of the General Assembly and the Commissioner of Emergency Services and Public Protection](#) an annual report relating to the activities, recommendations and accomplishments of the commission.

(b) The commission may [recommend, and the Commissioner of Emergency Services and Public Protection may](#) adopt, regulations [\[,\]](#) in accordance with the provisions of chapter 54 [\[,\]](#) as [\[are\]](#) necessary to implement the provisions of this section.

Sec. 152. Section 7-323p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The [\[Office of State Fire Administration\] Department of Emergency Services and Public Protection](#) shall [\(1\) maintain and operate a state fire school \[which\] that shall serve as the training and education \[arm of\] facility for the Commission on Fire Prevention and Control, and \(2\) provide training and educational services in accordance with the standards established pursuant to section 7-323l, as amended by this act.](#) The use of any hazardous material, as defined in section 29-307a, except a virgin fuel, is prohibited in the simulation of any fire. The [\[office\] Department of Emergency Services and Public Protection](#) shall, [in consultation with the commission,](#) fix fees for training and education programs and sessions and for such other purposes deemed necessary for the operation and support of the school. [\[, subject to the approval of the commission.\]](#) Such fees shall be used solely for training and education purposes.

(b) The [\[commission\] department](#) may establish and maintain a state fire school training and education extension account, which shall be a separate account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. The account [\[may\] shall](#) be used for the operation of such training and education [\[extension\]](#) programs and sessions as [\[the Office of State Fire Administration\] said department](#) may establish, for the purchase of such equipment as is required for use in the operation of such programs and sessions, and, [within available funding,](#) for (1) reimbursement to municipalities and municipal fire departments for one-half of the costs of Firefighter I certification and recruit training of municipal volunteer and paid fire service personnel, and (2) reimbursement to state agencies for one-half of the costs of Firefighter I certification and recruit training of state agency fire service personnel. All proceeds derived from the operation of the training and education [\[extension\]](#) programs and sessions shall be deposited in the General Fund and shall be credited to and become a part of the resources of the account. All direct expenses incurred in the conduct of the training, certification and education programs and sessions shall be charged, and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of interest and principal of bonds and any cost of equipment for such operations may be charged, against the account on order of the State Comptroller. Any balance of receipts above expenditures shall remain in the account to be used [by the department](#) for [\[its\]](#) training and education programs and sessions, and for the acquisition, as provided by

section 4b-21, alteration and repairs of real property for educational facilities, except such sums as may be required to be transferred from time to time to any fund for the redemption of bonds and payment of interest on bonds, provided repairs, alterations or additions to educational facilities costing fifty thousand dollars or less shall require the approval of the Commissioner of Public Works, and capital projects costing over fifty thousand dollars shall require the approval of the General Assembly or, when the General Assembly is not in session, of the Finance Advisory Committee.

(c) The [commission] [Department of Emergency Services and Public Protection](#) may establish and maintain a state fire school auxiliary services account, which shall be a separate account within the General Fund. The account shall be used for the operation, maintenance and repair of auxiliary service facilities and for such other auxiliary activities of the state fire school as [the Office of State Fire Administration] [said department](#) determines. The proceeds of such activities shall be deposited in the General Fund and shall be credited to and become a part of the resources of the account. All direct expenses of operation, maintenance and repair of facilities, food services and other auxiliary activities shall be charged, and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of interest and principal of bonds and any cost of equipment for such operations may be charged, against the account on order of the State Comptroller. Any balance of receipts above expenditures shall remain in the account to be used for the improvement and extension of such activities, except such sums as may be required to be transferred from time to time to any fund for the redemption of bonds and payment of interest on bonds, provided repairs, alterations or additions to auxiliary service facilities costing fifty thousand dollars or less shall require the approval of the Commissioner of Public Works, and capital projects costing over fifty thousand dollars shall require the approval of the General Assembly or, when the General Assembly is not in session, of the Finance Advisory Committee. The [commission] [department](#), with the approval of the [Secretary of the Office of Policy and Management and the](#) Finance Advisory Committee, may borrow from the resources of the General Fund at any time such sum or sums as it deems advisable, to establish or continue auxiliary services activities, such sums to be repaid in accordance with such schedule as the Secretary of the Office of Policy and Management shall establish.

Sec. 153. Section 7-521 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Local Emergency Relief Advisory Committee comprised of: The Secretary of the Office of Policy and Management, the Commissioner of Administrative Services, the Commissioner of Transportation, the Commissioner of [Public Safety,] [Emergency Services and Public Protection and](#) the Adjutant General of the Military Department, [and the Commissioner of Emergency Management and Homeland Security,] or their designees; the president pro tempore of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, and the minority leader of the House of Representatives, or their designees; a member of the Senate who shall be appointed by the president pro tempore of the Senate and a member of the House of Representatives who shall be appointed by the speaker of the House of Representatives.

(b) The Commissioner of Emergency [**Management and Homeland Security**] [Services and Public Protection](#) shall serve as the [**chairman**] [chairperson](#) of the Local Emergency Relief Advisory Committee. The committee may adopt such bylaws and guidelines and shall adopt such eligibility standards as it deems advisable to carry out the purposes of sections 7-520 to 7-522, inclusive. The Local Emergency Relief Advisory Committee shall not be deemed to be an agency for the purposes of chapter 54.

Sec. 154. Subsection (c) of section 10a-55a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(c) On or before October 1, 2007, each institution of higher education and private occupational school, as defined in section 10a-22a shall have an emergency response plan. On or before October 1, 2007, and annually thereafter, each institution of higher education and private occupational school shall submit a copy of its emergency response plan to (1) the [**Commissioners of Public Safety and Emergency Management and Homeland Security**] [Commissioner of Emergency Services and Public Protection](#), and (2) local first responders. Such plan shall be developed in consultation with such first responders and shall include a strategy for notifying students and employees of the institution or school and visitors to such institution or school of emergency information.

Sec. 155. Subsection (b) of section 14-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) [**Not later than January 1, 2000, the**] [The](#) Commissioner of [**Public Safety**] [Emergency Services and Public Protection](#), in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt in accordance with chapter 54 a uniform, state-wide policy for handling pursuits by police officers. Such policy shall specify: (1) The conditions under which a police officer may engage in a pursuit and discontinue a pursuit, (2) alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle, (3) the coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit, (4) in the case of a pursuit that may proceed and continue into another municipality, (A) the requirement to notify and the procedures to be used to notify the police department in such other municipality or, if there is no organized police department in such other municipality, the officers responsible for law enforcement in such other municipality, that there is a pursuit in progress, and (B) the coordination and responsibility of supervisory personnel in each such municipality and the police officer engaged in such pursuit, (5) the type and amount of training in pursuits, that each police officer shall undergo, which may include training in vehicle simulators, if vehicle simulator training is determined to be necessary, and (6) that a police officer immediately notify supervisory personnel or the officer in charge after the police officer begins a pursuit. The chief of police or Commissioner of [**Public Safety**] [Emergency Services and Public Protection](#), as the case may be, shall inform each officer within such chief's or said commissioner's department and each officer responsible for law enforcement in a municipality in which there is no such department of the existence of the policy of pursuit to

be employed by any such officer and shall take whatever measures that are necessary to assure that each such officer understands the pursuit policy established.

Sec. 156. Subsection (b) of section 16a-13b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) In exercising the responsibilities under subsection (a) of this section, the secretary shall consult with the [Department of Emergency Management and Homeland Security, the Department of Public Safety] [Department of Emergency Services and Public Protection](#), the Department of Public Utility Control, the Department of Transportation and such other state agencies as the secretary deems appropriate. Each state agency shall assist the secretary in carrying out the responsibilities assigned by sections 16a-9 to 16a-13d, inclusive.

Sec. 157. Section 16a-106 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No person shall transport into or through the state any of the following materials: (1) Any quantity of radioactive material specified as a "large quantity" by the Nuclear Regulatory Commission in 10 CFR, Part 71, entitled "Packaging of Radioactive Material for Transport", (2) any quantity of radioactive waste which has been produced as part of the nuclear fuel cycle and which is being shipped from or through the state to a waste disposal site or facility, or (3) any shipment of radioactive material or waste which is carried by commercial carrier and which is required in 10 CFR or 49 CFR to have a placard unless such person has been granted a permit to transport such materials from the Commissioner of Transportation.

(b) Prior to the transporting of such materials, such person shall apply to the Commissioner of Transportation for a permit and provide said commissioner with the following information: (1) Name of shipper, (2) name of carrier, (3) type and quantity of radioactive material or waste, (4) proposed date and time of shipment, (5) starting point, scheduled route, and destination, and (6) any other information required by the commissioner. Said commissioner shall grant such permit upon a finding that the transporting of such material shall be accomplished in a manner necessary to protect the public health and safety of the citizens of the state. Such permit shall be granted or denied not later than three days, Saturdays and Sundays excluded, after such person has applied for such permit, except that if the commissioner determines that additional time is required to evaluate such application, the commissioner shall notify such person not later than such three-day period that such additional time is required. Said commissioner may require changes in dates, routes or time for the transporting of such material or the use of escorts in the transporting of such material or waste if necessary to protect the public health and safety. The commissioner may consult with the Commissioner of Environmental Protection and the Commissioner of [Public Safety] [Emergency Services and Public Protection](#) prior to the granting of such permit and shall immediately notify the Commissioner of [Public Safety] [Emergency Services and Public Protection](#) of the granting of any permit and of the terms and conditions of such permit. The Commissioner of [Public Safety] [Emergency Services and Public Protection](#) shall establish an inspection procedure along scheduled routes to ensure compliance with permit conditions and with regulations adopted by the Commissioner of Transportation pursuant to subsection (c) of this section.

(c) The Commissioner of Transportation shall, [not later than November 1, 1976, and] after consultation with the Commissioners of Environmental Protection, [Public Safety and Emergency Management and Homeland Security] Emergency Management and Public Protection, the Secretary of the Office of Policy and Management, representatives of the federal Nuclear Regulatory Commission and the United States Department of Transportation, adopt regulations pursuant to chapter 54, to carry out the provisions of this section. The Commissioner of Transportation shall, after consultation with the Commissioner of [Public Safety] Emergency Management and Public Protection, establish by regulations adopted pursuant to chapter 54 a permit fee schedule commensurate with the cost of administering the provisions of this section.

(d) This section shall not apply to radioactive materials shipped by or for the United States government for military or national security purposes or which are related to national defense. Nothing herein shall be construed as requiring the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended.

(e) Notwithstanding the provisions of the Freedom of Information Act, as defined in section 1-200, the Commissioner of Transportation shall not disclose to any person other than the Commissioner of Environmental Protection or the Commissioner of [Public Safety] Emergency Management and Public Protection any information provided the Commissioner of Transportation pursuant to subsection (b) of this section prior to the completion of such shipment to which such information relates.

(f) Any person who violates any provision of this section shall be fined not more than ten thousand dollars for each violation.

Sec. 158. Subsection (b) of section 19a-487 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) There is established a board of directors to advise the Department of Public Health on the operations of the mobile field hospital. The board shall consist of the following members: The Commissioners of Public Health, [Emergency Management and Homeland Security, Public Safety] Emergency Services and Public Protection and Social Services, or their designees, the Secretary of the Office of Policy and Management, or the secretary's designee, the Adjutant General, or the Adjutant General's designee, one representative of a hospital in this state with more than five hundred licensed beds and one representative of a hospital in this state with five hundred or fewer licensed beds, both appointed by the Commissioner of Public Health. The Commissioner of Public Health shall be the chairperson of the board. The board shall adopt bylaws and shall meet at such times as specified in such bylaws and at such other times as the Commissioner of Public Health deems necessary.

Sec. 159. Section 21a-274a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a drug enforcement grant program which shall be administered by the

Office of Policy and Management. Grants may be made to municipalities, the Department of [\[Public Safety\] Emergency Services and Public Protection](#) and the Division of Criminal Justice for the purpose of enforcing federal and state laws concerning controlled substances, undertaking crime prevention activities related to the enforcement of such laws, substance abuse prevention education or training related to such enforcement or education activities. The Secretary of the Office of Policy and Management shall adopt regulations in accordance with chapter 54 for the administration of this subsection, including the establishment of priorities, program categories, eligibility requirements, funding limitations and the application process. Such regulations shall provide that the costs of a community-based police program, as defined in the regulations, may be paid from a grant made under this section.

(b) There is established a safe neighborhoods grant program which shall be administered by the Office of Policy and Management. Grants may be made, on a competitive basis, to the cities of Bridgeport, Danbury, Hartford, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Stamford, Waterbury and Windham, and to the Police Officer Standards and Training Council [within the Department of Emergency Services and Public Protection](#) for the purpose of (1) improving public safety in urban neighborhoods through programs which increase police presence by hiring additional police officers and establishing police substations for those neighborhoods, (2) involving residents in crime prevention activities, including security enhancements to neighborhood residences and business establishments, and (3) improving public safety in urban neighborhoods through programs which increase police presence by increasing the hours worked by police officers during times when such increased presence is most needed to deter and control illegal use of firearms in those neighborhoods where there has been a high incidence of illegal use of firearms in the commission of crime. A grantee shall use the grant to increase police presence within the grantee's safe neighborhoods project area and, with the approval of the Office of Policy and Management, a grantee may use such grant to temporarily increase police presence in high crime areas outside such project area. The Secretary of the Office of Policy and Management shall adopt regulations in accordance with chapter 54 for the administration of this section. Such regulations shall include provisions for the establishment of programs, the allocation of funds and the application process. For purposes of this subsection, the term "safe neighborhoods project area" means a single neighborhood within a municipality selected by the municipality to be eligible for a safe neighborhoods grant.

Sec. 160. Subsection (a) of section 22a-601 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established a Connecticut Emergency Response Commission which shall be within the Department of Environmental Protection. The commission shall consist of [\[nineteen\] eighteen](#) members as follows: The Commissioners of Environmental Protection, [\[Emergency Management and Homeland Security, Public Safety\] Emergency Services and Public Protection](#), Public Health and Transportation, the Labor Commissioner, the Secretary of the Office of Policy and Management, the Adjutant General of the Military Department, the State Fire Marshal, and the State Fire Administrator, or their designees [or a designee](#), and nine members appointed by the Governor, four of whom shall represent the public, three of whom shall represent owners or operators of facilities, one of whom shall be the fire chief of a

municipal fire department whose employees are compensated for their services and one of whom shall be the fire chief of a volunteer fire department. Members of the commission appointed by the Governor shall serve for two years. The Governor shall fill any vacancy in the office of an appointed member for the unexpired portion of the term. Members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. The chairperson of the commission shall be appointed by the Governor and shall serve at his pleasure.

Sec. 161. Section 28-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in this chapter:

(1) "Attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

(2) "Major disaster" means any catastrophe including, but not limited to, any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought, or, regardless of cause, any fire, flood, explosion, or manmade disaster in any part of this state that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121 et seq. , as amended from time to time, to supplement the efforts and available resources of this state, local governments thereof, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "Emergency" means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster or catastrophe in any part of this state.

(4) "Civil preparedness" means all those activities and measures designed or undertaken (A) to minimize or control the effects upon the civilian population of major disaster, (B) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (C) to deal with the immediate emergency conditions which would be created by any such attack, major disaster or emergency, and (D) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack, major disaster or emergency. Such term shall include, but shall not be limited to, (i) measures to be taken in preparation for anticipated attack, major disaster or emergency, including the establishment of appropriate organizations, operational plans and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction and preparation of shelters, shelter areas and control centers; and, when appropriate, the nonmilitary evacuation of the civilian population, pets and

service animals; (ii) measures to be taken during attack, major disaster or emergency, including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communication; and (iii) measures to be taken following attack, major disaster or emergency, including activities for [\[fire fighting\] firefighting](#); rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities.

(5) "Civil preparedness forces" means any organized personnel engaged in carrying out civil preparedness functions in accordance with the provisions of this chapter or any regulation or order adopted pursuant to this chapter. All the police and fire forces of the state or any political subdivision of the state, or any part of any political subdivision, including all the auxiliaries of these forces and emergency medical service personnel licensed or certified pursuant to section 19a-179, shall be construed to be a part of the civil preparedness forces. The Connecticut Disaster Medical Assistance Team and the Medical Reserve Corps, under the auspices of the Department of Public Health, the Connecticut Urban Search and Rescue Team, under the auspices of the Department of Emergency [\[Management and Homeland Security\] Services and Public Protection](#), and the Connecticut behavioral health regional crisis response teams, under the auspices of the Department of Mental Health and Addiction Services and the Department of Children and Families, and their members, shall be construed to be a part of the civil preparedness forces while engaging in authorized civil preparedness duty or while assisting or engaging in authorized training for the purpose of eligibility for immunity from liability as provided in section 28-13 and for death, disability and injury benefits as provided in section 28-14. Any member of the civil preparedness forces who is called upon either by civil preparedness personnel or state or municipal police personnel to assist in any emergency shall be deemed to be engaging in civil preparedness duty while assisting in such emergency or while engaging in training under the auspices of the Department of Emergency [\[Management and Homeland Security, the Department of Public Safety\] Services and Public Protection](#), the [\[Division\] Divisions](#) of State Police, [and Emergency Management and Homeland Security](#) within the Department of [\[Public Safety\] Emergency Services and Public Protection](#) or a municipal police department, for the purpose of eligibility for death, disability and injury benefits as provided in section 28-14.

(6) "Mobile support unit" means an organization of civil preparedness forces created in accordance with the provisions of this chapter to be dispatched by the Governor or Commissioner of Emergency [\[Management and Homeland Security\] Services and Public Protection](#) to supplement civil preparedness forces in a stricken or threatened area.

(7) "Civil preparedness emergency" or "disaster emergency" means an emergency declared by the Governor under the provisions of this chapter in the event of serious disaster or of enemy attack, sabotage or other hostile action within the state or a neighboring state, or in the event of the imminence thereof.

(8) "Local civil preparedness emergency" or "disaster emergency" means an emergency

declared by the chief executive officer of any town or city in the event of serious disaster affecting such town or city.

(9) "Governor" means the Governor or anyone legally administering the office of Governor.

(10) "Commissioner" means the Commissioner of Emergency [[Management and Homeland Security](#)] [Services and Public Protection](#).

(11) "Department" means the Department of Emergency [[Management and Homeland Security](#)] [Services and Public Protection](#).

(12) "Political subdivision" means any city, town, municipality, borough or other unit of local government.

Sec. 162. Section 28-1a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a) There is established a Department of Emergency Management and Homeland Security. Said department shall be the designated emergency management and homeland security agency for the state. The department head shall be the commissioner, who shall be appointed by the Governor in accordance with the provisions of sections 4-5, 4-6, 4-7 and 4-8 with the powers and duties prescribed in said sections. The commissioner shall possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services and emergency response. No person possessing a record of any criminal, unlawful or unethical conduct shall be eligible for or hold such position. Any person with any present or past political activities or financial interests that may substantially conflict with the duties of the commissioner or expose such person to potential undue influence or compromise such person's ability to be entrusted with necessary state or federal security clearances or information shall be deemed unqualified for such position and shall not be eligible to hold such position. The commissioner shall be the chief administrative officer of the department and shall have the responsibility for providing a coordinated, integrated program for state-wide emergency management and homeland security. The commissioner may do all things necessary to apply for, qualify for and accept any federal funds made available or allotted under any federal act relative to emergency management or homeland security.]

[(b) (a) With reasonable conformance to applicable federal statutes and administrative regulations of the Federal Emergency Management Agency and the requirements of the Connecticut emergency operations plan, the [commissioner] [Commissioner of Emergency Services and Public Protection](#) shall organize the [department] [Division of Emergency Management and Homeland Security](#) and the personnel of [the department] [said division](#) as may be necessary for the effective discharge of the authorized emergency management, civil preparedness and homeland security missions, including, but not limited to, the provisions of the Connecticut emergency operations plan and the national plan for civil preparedness. Any [department] personnel [assigned to said division](#) may be removed by the commissioner for security reasons or for incompetence, subject to reinstatement by the Employees' Review

Board. [The commissioner may enter into contracts for the furnishing by any person or agency, public or private, of services necessary for the proper execution of the duties of the department. Any such contract that has a cost of three thousand dollars or more shall be subject to the approval of the Attorney General.]

[(c)] (b) The commissioner shall be responsible for: (1) Coordinating with state and local government personnel, agencies and authorities and the private sector to ensure adequate planning, equipment, training and exercise activities by such personnel, agencies and authorities and the private sector with regard to homeland security; (2) coordinating, and as may be necessary, consolidating homeland security communications and communications systems of the state government with state and local government personnel, agencies and authorities, the general public and the private sector; (3) distributing and, as may be appropriate, coordinating the distribution of information and security warnings to state and local government personnel, agencies and authorities and the general public; and (4) establishing standards and security protocols for the use of any intelligence information.

[(d)] (c) The commissioner may adopt such regulations, in accordance with the provisions of chapter 54, as necessary to implement the duties of the department.

[(e)] (d) The commissioner shall [, in consultation with the bargaining unit representing state police,] enter into [an interagency] a memorandum of understanding with the [Department of Public Safety and the] Military Department to provide for (1) the temporary assignment [and retrenchment rights of state police and] of employees of the Military Department to work in the department, and (2) interagency information sharing. Any such personnel temporarily assigned shall act under the direction of the commissioner. The Military Department [of Public Safety and the Military Department, respectively,] shall retain administrative control over such personnel.

[(f)] (e) The commissioner may request and may receive from any federal, state or local agency, cooperation and assistance in the performance of the duties of the department, including the temporary assignment of personnel necessary to perform the functions of the department. Any such personnel temporarily assigned shall act under the direction of the commissioner. The federal, state or local agency shall retain administrative control over such personnel. For purposes of section 5-141d, such personnel temporarily assigned shall be deemed to be acting as state employees while assigned to, and performing the duties of, the department.

[(g)] The functions, powers, duties and, as determined to be necessary by the commissioner, personnel of the Division of Homeland Security within the Department of Public Safety and the Office of Emergency Management within the Military Department shall be transferred to the Department of Emergency Management and Homeland Security in accordance with the provisions of sections 4-38d, 4-38e and 4-39.]

Sec. 163. Section 28-1i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Not later than January [1, 2006, and annually thereafter] first, annually, the Commissioner of

Emergency [**Management and Homeland Security**] [Services and Public Protection](#) shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to public safety that specifies and evaluates state-wide emergency management and homeland security activities during the preceding calendar year.

Sec. 164. Section 28-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is established an Office of State-Wide Emergency Telecommunications which shall be [**in the Division of Fire, Emergency and Building Services**] within the Department of [**Public Safety**] [Emergency Services and Public Protection](#). The Office of State-Wide Emergency Telecommunications shall be responsible for developing and maintaining a state-wide emergency service telecommunications policy. In connection with said policy the office shall:

- (1) Develop a state-wide emergency service telecommunications plan specifying emergency police, fire and medical service telecommunications systems needed to provide coordinated emergency service telecommunications to all state residents, including the physically disabled;
- (2) Pursuant to the recommendations of the task force established by public act 95-318 to study enhanced 9-1-1 telecommunications services, and in accordance with regulations adopted by the Commissioner of [**Public Safety**] [Emergency Services and Public Protection](#) pursuant to subsection (b) of this section, develop and administer, by July 1, 1997, an enhanced emergency 9-1-1 program, which shall provide for: (A) The replacement of existing 9-1-1 terminal equipment for each public safety answering point; (B) the subsidization of regional public safety emergency telecommunications centers, with enhanced subsidization for municipalities with a population in excess of forty thousand; (C) the establishment of a transition grant program to encourage regionalization of public safety telecommunications centers; and (D) the establishment of a regional emergency telecommunications service credit in order to support regional dispatch services;
- (3) Provide technical telecommunications assistance to state and local police, fire and emergency medical service agencies;
- (4) Provide frequency coordination for such agencies;
- (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-1 systems;
- (6) Review and make recommendations concerning proposed legislation affecting emergency service telecommunications; and
- (7) Review and make recommendations to the General Assembly concerning emergency service telecommunications funding.

(b) The Commissioner of [**Public Safety**] [Emergency Services and Public Protection](#) shall adopt regulations, in accordance with chapter 54, establishing eligibility standards for state financial assistance to local or regional police, fire and emergency medical service agencies providing

emergency service telecommunications. Not later than April 1, 1997, the commissioner shall adopt regulations, in accordance with chapter 54, in order to carry out the provisions of subdivision (2) of subsection (a) of this section.

(c) Within a time period determined by the commissioner to ensure the availability of funds for the fiscal year beginning July 1, 1997, to the regional public safety emergency telecommunications centers within the state, and not later than April first of each year thereafter, the commissioner shall determine the amount of funding needed for the development and administration of the enhanced emergency 9-1-1 program. The commissioner shall specify the expenses associated with (1) the purchase, installation and maintenance of new public safety answering point terminal equipment, (2) the implementation of the subsidy program, as described in subdivision (2) of subsection (a) of this section, (3) the implementation of the transition grant program, described in subdivision (2) of subsection (a) of this section, (4) the implementation of the regional emergency telecommunications service credit, as described in subdivision (2) of subsection (a) of this section, provided, for the fiscal year ending June 30, 2001, and each fiscal year thereafter, such credit for coordinated medical emergency direction services as provided in regulations adopted under this section shall be based upon the factor of thirty cents per capita and shall not be reduced each year, (5) the training of personnel, as necessary, (6) recurring expenses and future capital costs associated with the telecommunications network used to provide emergency 9-1-1 service and the public safety services data networks, (7) for the fiscal year ending June 30, 2001, and each fiscal year thereafter, the collection, maintenance and reporting of emergency medical services data, as required under subparagraphs (A) and (B) of subdivision (8) of section 19a-177, provided the amount of expenses specified under this subdivision shall not exceed two hundred fifty thousand dollars in any fiscal year, (8) for the fiscal year ending June 30, 2001, and each fiscal year thereafter, the initial training of emergency medical dispatch personnel, the provision of an emergency medical dispatch priority reference card set and emergency medical dispatch training and continuing education pursuant to subdivisions (3) and (4) of subsection (g) of section 28-25b, and (9) the administration of the enhanced emergency 9-1-1 program by the Office of State-Wide Emergency Telecommunications, as the commissioner determines to be reasonably necessary. The commissioner shall communicate the commissioner's findings to the chairperson of the Public Utilities Control Authority not later than April first of each year.

(d) The office may apply for, receive and distribute any federal funds available for emergency service telecommunications. The office shall deposit such federal funds in the Enhanced 9-1-1 Telecommunications Fund established by section 28-30a.

(e) The office shall work in cooperation with the Department of Public Utility Control to carry out the purposes of this section.

Sec. 165. Section 28-29a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

There is established an E 9-1-1 Commission to advise the office in the planning, design, implementation and coordination of the state-wide emergency 9-1-1 telephone system to be created pursuant to sections 28-25, 28-25a, 28-25b, 28-26, 28-27, 28-27a, 28-28, 28-28a, 28-28b,

28-29 and 28-29b. The commission shall be appointed by the Governor on or before October 1, 1984, and shall consist of the following members: (1) One representative [of] from the technical support services unit of the Division of State Police within the Department of **[Public Safety]** Emergency Services and Public Protection; (2) the State Fire Administrator; (3) one representative from the Office of Emergency Medical Services; (4) one representative from the **[Department]** Division of Emergency Management and Homeland Security within the Department of Emergency Services and Public Protection; (5) one municipal police chief; (6) one municipal fire chief; (7) one volunteer fireman; (8) one representative of the Connecticut Conference of Municipalities; (9) one representative of the Council of Small Towns; (10) one manager or coordinator of 9-1-1 public safety answering points serving areas of differing population concentration; and (11) one representative of providers of commercial mobile radio services, as defined in 47 Code of Federal Regulations 20.3, as amended. Each member shall serve for a term of three years from July 1, 1984, or until a successor has been appointed and qualified. No member of the commission shall receive compensation for such member's services.

Sec. 166. Section 29-1p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a)] The Commissioner of **[Public Safety]** Emergency Services and Public Protection may assess threats to public safety to determine when a threat qualifies as a genuine terrorist threat. The commissioner may consult with whatever agencies or officials the commissioner deems appropriate for such evaluation.

[(b) When the Commissioner of Public Safety determines that there is a genuine terrorist threat, the commissioner shall immediately notify the Commissioner of Emergency Management and Homeland Security of such threat.]

Sec. 167. Section 29-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[On and after January 1, 2006, the] The Commissioner of **[Public Safety]** Emergency Services and Public Protection shall appoint and maintain a minimum of one thousand two hundred forty-eight sworn state police personnel to efficiently maintain the operation of the division. **[On or after June 6, 1990, the]** The commissioner shall appoint from among such personnel not more than three lieutenant colonels who shall be in the unclassified service as provided in section 5-198. Any permanent employee in the classified service who accepts appointment to the position of lieutenant colonel in the unclassified service may return to the classified service at such employee's former rank. The position of major in the classified service shall be abolished on July 1, 1999, but any existing position of major in the classified service may continue until termination of service. The commissioner shall appoint not more than seven majors who shall be in the unclassified service as provided in section 5-198. Any permanent employee in the classified service who accepts appointment to the position of major in the unclassified service may return to the classified service at such permanent employee's former rank. The commissioner, subject to the provisions of chapter 67, shall appoint such numbers of captains, lieutenants, sergeants, detectives and corporals as the commissioner deems necessary

to officer efficiently the state police force. [The commissioner may appoint a Deputy State Fire Marshal who shall be in the unclassified service as provided in section 5-198. Any permanent employee in the classified service who accepts appointment to the position of Deputy State Fire Marshal in the unclassified service may return to the classified service at such employee's former rank, class or grade, whichever is applicable.] The commissioner shall establish such divisions as the commissioner deems necessary for effective operation of the state police force and consistent with budgetary allotments, a Criminal Intelligence Division and a state-wide organized crime investigative task force to be engaged throughout the state for the purpose of preventing and detecting any violation of the criminal law. The head of the Criminal Intelligence Division shall be of the rank of sergeant or above. The head of the state-wide organized crime investigative task force shall be a police officer. Salaries of the members of the Division of State Police within the Department of [Public Safety] [Emergency Services and Public Protection](#) shall be fixed by the Commissioner of Administrative Services as provided in section 4-40. State police personnel may be promoted, demoted, suspended or removed by the commissioner, but no final dismissal from the service shall be ordered until a hearing has been had before said commissioner on charges preferred against such officer. Each state police officer shall, before entering upon such officer's duties, be sworn to the faithful performance of such duties. The Commissioner of [Public Safety] [Emergency Services and Public Protection](#) shall designate an adequate patrol force for motor patrol work exclusively.

Sec. 168. Section 29-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Commissioner of [Public Safety] [Emergency Services and Public Protection](#) may, within available appropriations, appoint suitable persons from the regular state police force as resident state policemen in addition to the regular state police force to be employed and empowered as state policemen in any town or two or more adjoining towns lacking an organized police force, and such officers may be detailed by said commissioner as resident state policemen for regular assignment to such towns, provided each town shall pay sixty per cent of the cost of compensation, maintenance and other expenses of the state policemen detailed to such town, and on and after July 1, [1992] [2011](#), each town shall pay seventy per cent of such [regular](#) cost and other expenses [and one hundred per cent of any overtime costs and such portion of fringe benefits directly associated with such overtime costs](#). Such town or towns and the Commissioner of [Public Safety] [Emergency Services and Public Protection](#) are authorized to enter into agreements and contracts for such police services, with the approval of the Attorney General, for periods not exceeding two years. The Commissioner of [Public Safety] [Emergency Services and Public Protection](#) shall exercise such supervision and direction over any resident policeman so appointed as [he] [such commissioner](#) deems necessary, and each appointee shall be required to conform to the requirements of chapter 67. Each resident state policeman shall have the same powers as officers of the regular state police force and be entitled to the same rights and subject to the same rules and regulations as the Division of State Police within the Department of [Public Safety] [Emergency Services and Public Protection](#).

Sec. 169. Section 29-361 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

- (a) The Commissioner of [**Public Safety**] [Emergency Services and Public Protection](#) shall establish a state database [**within one year of October 1, 1994,**] that any person, firm or corporation who sells or otherwise transfers pistols or revolvers may access, by telephone or other electronic means in addition to the telephone, for information to be supplied immediately, on whether a permit to carry a pistol or revolver, issued pursuant to subsection (b) of section 29-28, a permit to sell at retail a pistol or revolver, issued pursuant to subsection (a) of section 29-28, or an eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, is valid and has not been revoked or suspended.
- (b) Upon establishment of the database, the commissioner shall notify each person, firm or corporation holding a permit to sell at retail pistols or revolvers issued pursuant to subsection (a) of section 29-28 of the existence and purpose of the system and the means to be used to access the database.
- (c) The Department of [**Public Safety**] [Emergency Services and Public Protection](#) shall establish days and hours during which the telephone number or other electronic means shall be operational for purposes of responding to inquiries, taking into consideration the normal business hours of retail firearm businesses.
- (d) (1) The Department of [**Public Safety**] [Emergency Services and Public Protection](#) shall be the point of contact for initiating a background check through the National Instant Criminal Background Check System (NICS), established under section 103 of the Brady Handgun Violence Prevention Act, on individuals purchasing firearms.
- (2) The Department of [**Public Safety**] [Emergency Services and Public Protection](#), Department of Mental Health and Addiction Services and Judicial Department shall, in accordance with state and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the state. The Department of [**Public Safety**] [Emergency Services and Public Protection](#) shall report the name, date of birth and physical description of any person prohibited from possessing a firearm pursuant to 18 USC 922(g) or (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.
- (e) Any person, firm or corporation that contacts the Department of [**Public Safety**] [Emergency Services and Public Protection](#) to access the database established under this section and determine if a person is eligible to receive or possess a firearm shall not be held civilly liable for the sale or transfer of a firearm to a person whose receipt or possession of such firearm is unlawful or for refusing to sell or transfer a firearm to a person who may lawfully receive or possess such firearm if such person, firm or corporation relied, in good faith, on the information provided to such person, firm or corporation by said department, unless the conduct of such person, firm or corporation was unreasonable or reckless.
- (f) Any person, firm or corporation that sells, delivers or otherwise transfers any firearm pursuant to section 29-33 or 29-37a, shall contact the Department of [**Public Safety**] [Emergency Services and Public Protection](#) to access the database established under this section and receive an authorization number for such sale, delivery or transfer. The provisions of this subsection

shall not apply to: (1) Any sale, delivery or transfer of an antique firearm manufactured in or before 1898, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; (2) any sale, delivery or transfer of any replica of any firearm described in subdivision (1) of this subsection if such replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; (3) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 USC 921 et seq. ; (4) the transfer of firearms to and from gunsmiths for purposes of repair only; and (5) any sale, delivery or transfer of any firearm to any agency of the United States, the state of Connecticut or any local government.

Sec. 170. Subsections (a) to (c), inclusive, of section 53-202d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Any person who lawfully possesses an assault weapon, as defined in section 53-202a, prior to October 1, 1993, shall apply by October 1, 1994, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because he or she is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of [\[Public Safety\] Emergency Services and Public Protection](#), for a certificate of possession with respect to such assault weapon. The certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt regulations in accordance with the provisions of chapter 54 [\[not later than January 1, 1994,\]](#) to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

(b) No assault weapon possessed pursuant to this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53-202f, or as provided in section 53-202e, or by bequest or intestate succession. Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the Department of [\[Public Safety\] Emergency Services and Public Protection](#) for a certificate of possession as provided in subsection (a) of this section, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from the state. Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this state, except any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon and has been transferred into the state after October 1, 1994, may, within ninety days of arriving in the state, apply to the Department of [\[Public Safety\] Emergency Services and Public Protection](#) for a certificate of

possession with respect to such assault weapon.

(c) If an owner of an assault weapon sells or transfers the weapon to a licensed gun dealer, he or she shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Commissioner of **[Public Safety]** Emergency Services and Public Protection. The certificate shall contain: (1) The date of sale or transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, their Social Security numbers or motor vehicle operator license numbers, if applicable; (3) the licensed gun dealer's federal firearms license number and seller's permit number; (4) a description of the weapon, including the caliber of the weapon and its make, model and serial number; and (5) any other information the commissioner prescribes. The licensed gun dealer shall present his or her motor vehicle operator's license or Social Security card, federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer. The Commissioner of **[Public Safety]** Emergency Services and Public Protection shall maintain a file of all certificates of transfer at **[his]** such commissioner's central office.

Sec. 171. Section 54-1m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) **[Not later than January 1, 2000, each]** Each municipal police department and the Department of **[Public Safety]** Emergency Services and Public Protection shall adopt a written policy that prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of race, color, ethnicity, age, gender or sexual orientation, and the action would constitute a violation of the civil rights of the person.

(b) **[Commencing on January 1, 2000, each]** Each municipal police department and the Department of **[Public Safety]** Emergency Services and Public Protection shall, using the form developed and promulgated pursuant to subsection (h) of this section, record and retain the following information: (1) The number of persons stopped for traffic violations; (2) characteristics of race, color, ethnicity, gender and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped; (3) the nature of the alleged traffic violation that resulted in the stop; (4) whether a warning or citation was issued, an arrest made or a search conducted as a result of the stop; and (5) any additional information that such municipal police department or the Department of **[Public Safety]** Emergency Services and Public Protection, as the case may be, deems appropriate, provided such information does not include any other identifying information about any person stopped for a traffic violation such as the person's operator's license number, name or address.

(c) Each municipal police department and the Department of **[Public Safety]** Emergency Services and Public Protection shall provide to the Chief State's Attorney and the African-American Affairs Commission (1) a copy of each complaint received pursuant to this section, and (2) written notification of the review and disposition of such complaint. No such complaint shall contain any other identifying information about the complainant such as his or her operator's license number, name or address.

(d) Any police officer who in good faith records traffic stop information pursuant to the requirements of this section shall not be held civilly liable for the act of recording such information unless the officer's conduct was unreasonable or reckless.

(e) If a municipal police department or the Department of [\[Public Safety\] Emergency Services and Public Protection](#) fails to comply with the provisions of this section, the Chief State's Attorney may recommend and the Secretary of the Office of Policy and Management may order an appropriate penalty in the form of the withholding of state funds from such department or the Department of [\[Public Safety\] Emergency Services and Public Protection](#).

(f) On or before October 1, 2000, and annually thereafter, each municipal police department and the Department of [\[Public Safety\] Emergency Services and Public Protection](#) shall provide to the Chief State's Attorney and the African-American Affairs Commission, in such form as the Chief State's Attorney shall prescribe, a summary report of the information recorded pursuant to subsection (b) of this section.

(g) The African-American Affairs Commission shall review the prevalence and disposition of traffic stops and complaints reported pursuant to this section. Not later than January 1, 2004, and annually thereafter, the African-American Affairs Commission shall report to the Governor, the General Assembly and to any other entity said commission deems appropriate the results of such review, including any recommendations.

(h) [\[Not later than January 1, 2000, the\]](#) [The](#) Chief State's Attorney, in conjunction with the Commissioner of [\[Public Safety\] Emergency Services and Public Protection](#), the Attorney General, the Chief Court Administrator, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall develop and promulgate: (1) A form, in both printed and electronic format, to be used by police officers when making a traffic stop to record the race, color, ethnicity, gender and age of the operator of the motor vehicle that is stopped, the location of the stop, the reason for the stop and other information that is required to be recorded pursuant to subsection (b) of this section; and (2) a form, in both printed and electronic format, to be used to report complaints pursuant to this section by persons who believe they have been subjected to a motor vehicle stop by a police officer solely on the basis of their race, color, ethnicity, age, gender or sexual orientation.

Sec. 172. Section 54-64g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[\[Not later than January 1, 2000, the\]](#) [The](#) office of the Chief State's Attorney shall, in consultation with the Commissioner of [\[Public Safety\] Emergency Services and Public Protection](#) and the Connecticut Police Chiefs Association, develop protocols for the surveillance by state police officers or municipal police officers, or both, of persons charged with the commission of a serious felony offense, as defined in section 54-82t, who are released on bond.

Sec. 173. Section 21a-1 of the general statutes is repealed and the following is substituted in

lieu thereof (*Effective July 1, 2011*):

(a) There shall be a Department of Consumer Protection which shall be under the direction and supervision of a Commissioner of Consumer Protection, who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive, [as amended by this act](#).

(b) The Department of Consumer Protection shall constitute a successor agency, in accordance with the provisions of sections 4-38d and 4-39, to the Department of Public Safety with respect to all functions, powers and duties of the Department of Public Safety under chapter 532. Where any order or regulation of said departments conflict, the Commissioner of Consumer Protection may implement policies and procedures consistent with the provisions of chapter 532 while in the process of adopting the policy or procedure in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal within twenty days of implementation. The policy or procedure shall be valid until the time final regulations are effective.

(c) The Department of Consumer Protection shall constitute a successor agency to the Division of Special Revenue in accordance with the provisions of sections 4-38d and 4-39. Where any order or regulation of said division and department conflict, the Commissioner of Consumer Protection may implement policies and procedures consistent with chapters 98, 226, 438a, 529, 545, 557 and 946, while in the process of adopting the policy or procedure in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal within twenty days of implementation. Any such policy or procedure shall be valid until the time final regulations are effective.

Sec. 174. (*Effective July 1, 2011*) (a) (1) Wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Consumer Protection" shall be substituted in lieu thereof; and (2) wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Consumer Protection" shall be substituted in lieu thereof: 29-133, 29-134, 29-136 and 29-136a.

(b) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 175. (NEW) (*Effective July 1, 2011*) Not later than January 2, 2012, the Commissioner of Consumer Protection shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and public safety concerning (1) the status of the merger of the Department of Public Safety and the Department of Consumer Protection, as it pertains to chapter 532 of the general statutes, in accordance with the provisions of this section, section 42 of this act and sections 21a-1, 29-129, 29-130, 29-132 and 29-143a of the general statutes, as amended by this act, and (2) any recommendations for further legislative action concerning such merger.

Sec. 176. Section 29-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Commissioner of [\[Public Safety\] Consumer Protection](#), upon application in writing of any person engaged in the conduct of any place of amusement, entertainment, diversion or recreation to which an admission fee is charged and so located in any area which, with other places of amusement, entertainment, diversion or recreation, constitutes a public amusement park, stating the name and address of the applicant and the location and character of the amusement, entertainment, diversion or recreation proposed to be conducted by [\[him\] such person](#), upon being satisfied that the same is not inconsistent with the public welfare, morals and safety, shall, upon payment to said commissioner of the license fee as prescribed by section 29-130, [as amended by this act](#), and provision of proof of financial responsibility as required by section 29-139, authorize such applicant to conduct the place named in such application at such time and reasonable hours daily as [\[he\] commissioner](#) limits and prescribes.

Sec. 177. Section 29-130 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Commissioner of [\[Public Safety\] Consumer Protection](#) shall prescribe a form of application to be signed by each applicant and may require such information respecting the business in which the applicant proposes to engage as [\[he\] said commissioner](#) finds necessary to safeguard the public from all forms of lascivious conduct, immoral practices, vice or violations of the law. Said commissioner or any employee of the Department of [\[Public Safety\] Consumer Protection](#) authorized by [\[him\] said commissioner](#) for said purpose may enter into any place so licensed or upon the premises where such business is being conducted for the purpose of observing the conduct of the same. Said commissioner shall issue to each applicant so licensed a certificate to be designated "amusement park license", and each certificate shall state the name of the applicant, the location of the place where such amusement, entertainment, diversion or recreation may be conducted and the hours each day during which the same may be conducted. Each certificate shall be displayed conspicuously for public view by the licensee at the place where the business so licensed is conducted. Any such license may be suspended or revoked by said commissioner whenever it appears that any of the conditions required to be stated in such license have been violated. Such applications and license certificates shall be printed at the expense of the state. The annual license fee shall be one hundred dollars to be paid by the applicant to the Commissioner of [\[Public Safety\] Consumer Protection](#) with each application for such license. Such licenses shall not be transferable and, if any licensee voluntarily discontinues operations thereunder, all rights secured thereby shall terminate. On and after January 1, 1986, the license year shall be from January first until December thirty-first following, inclusive. Each such license shall be for a period of one license year.

Sec. 178. Section 29-132 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

All amusement rides and devices in the state shall be inspected at least once in each calendar year, and as often as the Commissioner of [\[Public Safety\] Consumer Protection](#) directs. The

commissioner shall approve one or more qualified inspectors or civil engineers familiar with the construction and use of gravity and other amusement rides and devices to conduct such inspections. Such inspectors shall be certified to perform such inspections by a nationally recognized professional or trade association of amusement ride safety officials approved by the commissioner. A reasonable fee for such inspection, to be determined by the commissioner, shall be paid to such inspector or engineer by the owner, lessee or operator of such ride or device. No amusement ride or device used for the carrying of passengers shall be operated in the state unless the same has been inspected by such an inspector or engineer and the inspector or engineer has certified to the commissioner that, in [\[his\] such inspector or engineer's](#) judgment, the same is reasonably safe for public use. Any person aggrieved by the refusal of such inspector or engineer to grant such certificate of safety shall have the right of appeal to the commissioner, who may, after due hearing, if he is of the opinion that such ride or device is safe for public use, issue a license therefor. Upon receipt of such certificate, if the applicant has complied with the provisions of sections 29-129 to 29-143a, inclusive, [as amended by this act](#), a license shall be issued by the commissioner, and [\[he\] the commissioner](#) may issue temporary licenses to operate such rides or devices pending inspection or final hearing upon the application when, in [\[his\] the commissioner's](#) judgment, fairness and equity require it.

Sec. 179. Section 29-143a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

When fire protection is necessary or required at any place of public amusement, sport contest, or any other exhibition or contest, which is being held or is to be held in any municipality, the amount of such protection shall be determined by the fire marshal of such municipality and shall be furnished by the chief of the fire department, who may utilize paid or volunteer firemen or both paid and volunteer firemen for such purposes, and such protection shall be paid for by the person or persons operating, conducting or promoting such game, exhibition or contest. Nothing in this section shall affect the jurisdiction of the Division of State Police within the Department of [\[Public Safety\] Emergency Services and Public Protection](#) as may be applicable with respect to such game, exhibition or contest or the jurisdiction of the Commissioner of Motor Vehicles as may be applicable pursuant to the provisions of section 14-164a.

Sec. 180. Subsection (a) of section 29-179i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There shall be a State-Wide Cooperative Crime Control Task Force Policy Board which shall be in the Division of State Police within the Department of [\[Public Safety for administrative purposes only\] Emergency Services and Public Protection](#). The policy board shall consist of a state committee and municipal subcommittees representing each municipality participating in the state-wide cooperative crime control task force. The state committee shall consist of the Commissioner of [\[Public Safety\] Emergency Services and Public Protection](#) who shall be the chairperson, the Chief Court Administrator or [\[his\] such Chief Court Administrator's](#) designee, the Chief State's Attorney or [\[his\] such Chief State's Attorney's](#) designee, the Commissioner of Correction or [\[his\] such commissioner's](#) designee,

[the director] a member of the Police Officer Standards and Training Council [or his designee] designated by the chairperson, [the] a Deputy Commissioner of the Department of [Public Safety] Emergency Services and Public Protection, Division of State Police or [his] such deputy commissioner's designee, and the commanding officer of the task force. The municipal subcommittees shall consist of the chief executive officer of the participating municipality, the chief of police of the participating municipality and three other members appointed by such chief executive officer representing, but not limited to, the interests of the business community, social and community services and education.

Sec. 181. Subsection (c) of section 54-142q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(c) The governing board shall be composed of the Chief Court Administrator, the Commissioner of [Public Safety, the Commissioner of Emergency Management and Homeland Security] Emergency Services and Public Protection, the Secretary of the Office of Policy and Management, the Commissioner of Correction, the chairperson of the Board of Pardons and Paroles, the Chief State's Attorney, the Chief Public Defender, the Chief Information Officer of the Department of Information Technology, the Victim Advocate, the Commissioner of Motor Vehicles, the chairpersons and ranking members of the joint standing committee of the General Assembly on judiciary and the president of the Connecticut Police Chiefs Association. The Chief Court Administrator and a person appointed by the Governor from among the membership shall serve as cochairpersons. Each member of the governing board may appoint a designee who shall have the same powers as such member.

Sec. 182. (*Effective July 1, 2011*) (a) (1) Wherever the term "executive director of the Division of Special Revenue" is used in the following general statutes, the term "Commissioner of Consumer Protection" shall be substituted in lieu thereof, (2) wherever the term "executive director" is used in the following general statutes, the term "commissioner" shall be substituted in lieu thereof, and (3) wherever the term "division" is used in the following general statutes, the term "department" shall be substituted in lieu thereof: 7-173, 7-174, 7-177a, 7-178, 7-180 to 7-183, inclusive, 12-560, 12-561, 12-563, 12-563a, 12-564, 12-564a, 12-565, 12-566, 12-567, 12-568a, 12-571, 12-571a, 12-572, 12-573, 12-574, 12-575, 12-573a, 12-574a, 12-574c, 2-574d, 12-576, 12-578, 12-584, 12-585, 12-802a, 12-806, 12-806a, 12-807, 12-808, 12-813, 12-815, 12-815a, 17a-713, 29-18c, 30-20 and 53-278g.

(b) Wherever the term "executive director of the Division of Special Revenue" is used in the general statutes or in any special or public act of 2011, the term "Commissioner of Consumer Protection" shall be substituted in lieu thereof. Wherever the term "Division of Special Revenue" is used in the general statutes or any public or special act of 2011, the term "Department of Consumer Protection" shall be substituted in lieu thereof.

(c) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 183. Subsection (a) of section 1-83 of the general statutes is repealed and the following is

substituted in lieu thereof (*Effective July 1, 2011*):

(a) (1) All state-wide elected officers, members of the General Assembly, department heads and their deputies, members of the Gaming Policy Board, **[the executive director of the Division of Special Revenue within the Department of Revenue Services,]** members or directors of each quasi-public agency, members of the Investment Advisory Council, state marshals and such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next in any year in which they hold such a position. Any such individual who leaves his or her office or position shall file a statement of financial interests covering that portion of the year during which such individual held his or her office or position. The Office of State Ethics shall notify such individuals of the requirements of this subsection not later than thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.

(2) Each state agency, department, board and commission shall develop and implement, in cooperation with the Office of State Ethics, an ethics statement as it relates to the mission of the agency, department, board or commission. The executive head of each such agency, department, board or commission shall be directly responsible for the development and enforcement of such ethics statement and shall file a copy of such ethics statement with the Department of Administrative Services and the Office of State Ethics.

Sec. 184. Subsection (d) of section 1-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(d) No public official or state employee or employee of such public official or state employee shall agree to accept, or be a member or employee of a partnership, association, professional corporation or sole proprietorship which partnership, association, professional corporation or sole proprietorship agrees to accept any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person before the Department of Banking, the Claims Commissioner, the Office of Health Care Access division within the Department of Public Health, the Insurance Department, **[the office within]** the Department of Consumer Protection, **[that carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive,]** the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Environmental Protection, the Department of Public Utility Control, the Connecticut Siting Council, **[the Division of Special Revenue within the Department of Revenue Services,]** the Gaming Policy Board within the **[Division of Special Revenue]** [Department of Consumer Protection](#) or the Connecticut Real Estate Commission; provided this shall not prohibit any such person from making inquiry for information on behalf of another before any of said commissions or commissioners if no fee or reward is given or promised in consequence thereof. For the purpose of this subsection, partnerships, associations, professional corporations or sole proprietorships refer only to such partnerships, associations, professional corporations or sole proprietorships which have been formed to carry on the business or profession directly relating to the employment, appearing, agreeing to appear or taking of action provided for in this subsection. Nothing in this

subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council. Nothing in this subsection shall be construed as applying (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of this chapter, (2) to the actions of any other professional employee of a public institution of higher education if such actions are not compensated and are not in violation of any other provision of this chapter, (3) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of the member's duties, or (4) to any member or director of a quasi-public agency. Notwithstanding the provisions of this subsection to the contrary, a legislator, an officer of the General Assembly or part-time legislative employee may be or become a member or employee of a firm, partnership, association or professional corporation which represents clients for compensation before agencies listed in this subsection, provided the legislator, officer of the General Assembly or part-time legislative employee shall take no part in any matter involving the agency listed in this subsection and shall not receive compensation from any such matter. Receipt of a previously established salary, not based on the current or anticipated business of the firm, partnership, association or professional corporation involving the agencies listed in this subsection, shall be permitted.

Sec. 185. Section 12-3b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is created an Abatement Review Committee which shall consist of (1) the State Comptroller or an employee of the office of the State Comptroller designated by said Comptroller, (2) the Secretary of the Office of Policy and Management or an employee of the Office of Policy and Management [designed] designated by said secretary, (3) the Commissioner of Consumer Protection or an employee of the Department of Consumer Protection designated by said commissioner, and (4) the Commissioner of Revenue Services or an employee of the Department of Revenue Services designated by said commissioner. Said committee shall meet monthly or as often as necessary to approve any abatement, in whole or in part, of tax, including any penalty or interest payable in connection therewith, which the Commissioner of Revenue Services or the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection is authorized to abate pursuant to any provision of the general statutes. A majority vote of the committee shall be required for approval of such abatement.

(b) An itemized statement of all abatements approved under this section shall be available to the public for inspection by any person.

(c) The Abatement Review Committee, established pursuant to subsection (a) of this section, may adopt regulations, in accordance with chapter 54, establishing guidelines for the abatement of any tax.

Sec. 186. Section 12-557b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in this chapter, and in sections 12-579, 12-580, and in chapter 226b, unless the context otherwise requires:

[(a)] (1) "Board" means the Gaming Policy Board established under section 12-557d, as amended by this act;

[(b) "Executive director" means the executive director of the Division of Special Revenue within the Department of Revenue Services;]

(2) "Commissioner" means the Commissioner of Consumer Protection;

[(c) "Division" means the Division of Special Revenue within the Department of Revenue Services;]

(3) "Department" means the Department of Consumer Protection;

[(d)] (4) "Business organization" means a partnership, incorporated or unincorporated association, firm, corporation, trust or other form of business or legal entity, other than a financial institution regulated by a state or federal agency which is not exercising control over an association licensee; and

[(e)] (5) "Control" means the power to exercise authority over or direct the management and policies of a person or business organization.

Sec. 187. Section 12-557c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a) There shall be a Division of Special Revenue within the Department of Revenue Services for administrative purposes only. The Division of Special Revenue shall, in cooperation]

The Department of Consumer Protection, shall work in cooperation with the Gaming Policy Board, to implement and administer the provisions of sections 7-169 to 7-186, inclusive, as amended by this act, this chapter and chapters 226b and 229a. [under the supervision of an executive director.]

[(b) The Division of Special Revenue shall be under the direction and control of an executive director who shall be responsible for the operation of his division. The executive director shall be appointed by the Governor, with the approval of the General Assembly, and shall be qualified and experienced in the functions performed by the Division of Special Revenue. The executive director may appoint a deputy and an executive assistant for the efficient conduct of the business of the division. The deputy executive director shall, in the absence or disqualification of the executive director or on his death, exercise the powers and duties of the executive director until he resumes his duties or the vacancy is filled. The deputy executive director and the executive assistant shall serve at the pleasure of the executive director. The executive director and the deputy executive director shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political

organization or political club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties.

(c) Whenever the term "Commission on Special Revenue" occurs or is referred to in the public acts of the 1979 session of the General Assembly, it shall be deemed to refer to the Division of Special Revenue within the Department of Business Regulation.]

Sec. 188. Section 12-557d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There shall be a Gaming Policy Board within the [Division of Special Revenue] Department of Consumer Protection. Said board shall consist of five members appointed by the Governor with the advice and consent of both houses of the General Assembly. Not more than three members of said board in office at any one time shall be members of the same political party. [On or before July 1, 1979, the Governor shall nominate three members who shall serve until July 1, 1981, and two members who shall serve until July 1, 1983. The General Assembly shall confirm or reject such nominations in the manner prescribed by section 4-7 before adjournment sine die of the 1979 regular session, except that if the nominations cannot be acted on by both houses of the General Assembly during said regular session, the General Assembly shall confirm or reject the nominations at a special session which shall be called, notwithstanding sections 2-6 and 2-7, immediately following adjournment sine die of the 1979 session reconvened in accordance with article third of the amendments to the Constitution of Connecticut, except that if no session is held pursuant to said article, the General Assembly shall meet in special session, notwithstanding sections 2-6 and 2-7, not later than August 1, 1979, to confirm or reject such nominations. Any special session called pursuant to this section shall be held for the sole purpose of confirming or rejecting the initial nominations made by the Governor to the board. Thereafter members] Members shall serve for a term of four years and the procedure prescribed by section 4-7 shall apply to such appointments, except that the Governor shall submit such nominations on or before May first, and both houses shall confirm or reject the nominations before adjournment sine die. Members shall receive fifty dollars per day for each day they are engaged in the business of the board and shall be reimbursed for necessary expenses incurred in the performance of their duties. The [executive director] commissioner shall serve on the board ex officio without voting rights.

(b) To insure the highest standard of legalized gambling regulation at least four of the board members shall have training or experience in at least one of the following fields: Corporate finance, economics, law, accounting, law enforcement, computer science or the pari-mutuel industry. At least two of these fields shall be represented on the board at any one time.

(c) No board member shall accept any form of employment by a business organization regulated under this chapter for a period of two years following the termination of his service as a board member.

(d) No board member shall engage in any oral ex parte communications with any representative, agent, officer or employee of any business organization regulated under this

chapter concerning any matter pending or impending before the board.

(e) The members of the board shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political organization or political club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties.

(f) The [[Division of Special Revenue](#)] [Department of Consumer Protection](#) shall provide staff support for the board.

Sec. 189. Section 12-557e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Gaming Policy Board shall work in cooperation with the [[Division of Special Revenue](#)] [Department of Consumer Protection](#) to implement and administer the provisions of this chapter [,] [and](#) chapters 226b and 229a and sections 7-169 to 7-186, inclusive, [as amended by this act](#). In carrying out its duties the board shall be responsible for: (1) Approving, suspending or revoking licenses issued under subsection (a) of section 12-574; (2) approving contracts for facilities, goods, components or services necessary to carry out the provisions of section 12-572; (3) setting racing and jai alai meeting dates, except that the board may delegate to [[the executive director](#)] [designated staff](#) the authority for setting make-up performance dates within the period of a meeting set by the board; (4) imposing fines on licensees under subsection (j) of section 12-574; (5) approving the types of pari-mutuel betting to be permitted; (6) advising the [[executive director](#)] [commissioner](#) concerning the conduct of off-track betting facilities; (7) assisting the [[executive director](#)] [commissioner](#) in developing regulations to carry out the provisions of this chapter, chapters 226b and 229a and sections 7-169 to 7-186, inclusive, [as amended by this act](#), and approving such regulations prior to their adoption; (8) hearing all appeals taken under subsection (k) of section 7-169, [as amended by this act](#), subsection (h) of section 7-169h, subsection (c) of section 7-181, subsection (j) of section 12-574 and section 12-815a, [as amended by this act](#); and (9) advising the Governor on state-wide plans and goals for legalized gambling.

Sec. 190. Section 12-562 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Except as provided in subsection (b) of this section, the [[executive director](#)] [commissioner](#) shall have power to enforce the provisions of this chapter and chapter 226b, and with the advice and consent of the board, shall adopt all necessary regulations for that purpose and for carrying out, enforcing and preventing violation of any of the provisions of this chapter, for the inspection of licensed premises or enterprises, for insuring proper, safe and orderly conduct of licensed premises or enterprises and for protecting the public against fraud or overcharge. The [[executive director](#)] [commissioner](#) shall have power generally to do whatever is reasonably necessary for the carrying out of the intent of this chapter; and may call upon other administrative departments of the state government and of municipal governments for such information and assistance as he [or she](#) deems necessary to the performance of his [or her](#)

duties.

(b) The special policemen in the [\[Division of Special Revenue\]](#) [Department of Consumer Protection](#) and the legalized gambling investigative unit in the Division of State Police within the Department of Public Safety shall be responsible for the criminal enforcement of the provisions of sections 7-169 to 7-186, inclusive, [as amended by this act](#), this chapter and chapters 226b and 229a. They shall have the powers and duties specified in section 29-7c, [as amended by this act](#).

Sec. 191. Section 12-569 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) If the president of the Connecticut Lottery Corporation determines that any lottery sales agent has breached such agent's fiduciary responsibility to the corporation in that the account of such lottery sales agent with respect to moneys received from the sale of lottery tickets has become delinquent in accordance with regulations adopted as provided in section 12-568a, the president shall notify the [\[executive director\]](#) [commissioner](#) of the breach of fiduciary duty and the executive director shall impose a delinquency assessment upon such account equal to ten per cent of the amount due or ten dollars, whichever amount is greater, plus interest at the rate of one and one-half per cent of such amount for each month or fraction of a month from the date such amount is due to the date of payment. [\[Except as provided in section 12-569b, and subject\]](#) [Subject](#) to the provisions of section 12-3a, the [\[executive director\]](#) [commissioner](#) may waive all or part of the penalties provided under this subsection when it is proven to the [\[executive director's\]](#) [commissioner's](#) satisfaction that the failure to pay such moneys to the state within the time allowed was due to reasonable cause and was not intentional or due to neglect. Any such delinquent lottery sales agent shall be notified of such delinquency assessment and shall be afforded an opportunity to contest the validity and amount of such assessment before the [\[executive director\]](#) [commissioner](#) who may conduct such hearing. Upon request of the president of the Connecticut Lottery Corporation, the [\[executive director\]](#) [commissioner](#) may prepare and sign a warrant directed to any state marshal, constable or any collection agent employed by the Connecticut Lottery Corporation for distraint upon any property of such delinquent lottery sales agent within the state, whether personal or real property. An itemized bill shall be attached to the warrant certified by the [\[executive director\]](#) [commissioner](#) as a true statement of the amount due from such lottery sales agent. Such warrant shall have the same force and effect as an execution issued in accordance with chapter 906. Such warrant shall be levied on any real, personal, tangible or intangible property of such agent and sale made pursuant to such warrant in the same manner and with the same force and effect as a levy and sale pursuant to an execution.

(b) The [\[executive director\]](#) [commissioner](#), with the advice and consent of the board, shall adopt regulations in accordance with chapter 54 to carry out the purposes of this section.

Sec. 192. Section 12-575c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*)

(a) The [\[executive director\]](#) [commissioner](#), as defined in [\[subsection \(b\)\]](#) [subdivision \(2\)](#) of

section 12-557b, [as amended by this act](#), with the approval of the board, as defined in [\[subsection \(a\)\] subdivision \(1\)](#) of said section, may require all pari-mutuel betting conducted at any facility conducting betting under a pari-mutuel system within the state which is based on the results of any event which occurs at any place other than the facility conducting such betting, whether such place is within or without the state, to be combined into a single, state-wide pool for each such event, or for any of them, as the [\[executive director\] commissioner](#) may determine.

(b) The [\[executive director\] commissioner](#), as defined in [\[subsection \(b\)\] subdivision \(2\)](#) of section 12-557b, [as amended by this act](#), with the approval of the board, as defined in [\[subsection \(a\)\] subdivision \(1\)](#) of said section, may permit all pari-mutuel betting conducted at any facility conducting betting under a pari-mutuel system within the state which is based on the results of any event which occurs at such facility, to be combined with the betting on such event at another facility where pari-mutuel betting is conducted, whether such facility is within or without the state, as a single pool for each event.

Sec. 193. Section 12-577 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The [\[executive director\] commissioner](#) shall annually cause to be made by some competent person or persons in the [\[executive director's division\] department](#) a thorough audit of the books and records of each association licensee under this chapter and the [\[executive director\] commissioner](#) may, from time to time, cause to be made by some competent person in the [\[executive director's division\] department](#) a thorough audit of the books and records of any other person or business organization licensed under this chapter. All such audit records shall be kept on file in the [\[executive director's\] commissioner's](#) office at all times and copies shall be forwarded to the board immediately upon completion thereof. Each licensee shall permit access to its books and records for the purpose of having such audit made, and shall produce, upon written order of the [\[executive director\] commissioner](#), any documents and information required for such purpose.

Sec. 194. Section 12-586f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section, "tribe" means the Mashantucket Pequot Tribe and "compact" means the Tribal-State Compact between the tribe and the state of Connecticut, as incorporated and amended in the Final Mashantucket Pequot Gaming Procedures prescribed by the Secretary of the United States Department of the Interior pursuant to Section 2710(d)(7)(B)(vii) of Title 25 of the United States Code and published in 56 Federal Register 24996 (May 31, 1991).

(b) The expenses of administering the provisions of the compact shall be financed as provided [\[herein\] in this section](#). Assessments for regulatory costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Revenue Services in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any

underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs.

(c) Assessments for law enforcement costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Public Safety in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs.

(d) If the tribe is aggrieved due to any assessment levied pursuant to such compact and this section or by any failure to adjust an excess assessment in accordance with the provisions of the compact and this section, it may, within one month from the time provided for the payment of such assessment, appeal therefrom in accordance with the terms of the compact, to the superior court for the judicial district of Hartford, which appeal shall be accompanied by a citation to the [[executive director of the Division of Special Revenue](#)] [Commissioner of Consumer Protection](#) to appear before said court. Such citation shall be signed by the same authority, and such appeal shall be returnable at the same time and served and returned in the same manner as is required in case of a summons in a civil action. Proceedings in such matter shall be conducted in the same manner as provided for in section 38a-52.

(e) The [[executive director](#)] [Commissioner of Consumer Protection](#) shall require each applicant for a casino gaming employee license, casino gaming service license or casino gaming equipment license to submit to state and national criminal history records checks before such license is issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.

Sec. 195. Section 12-586g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section, "tribe" means the Mohegan Tribe of Indians of Connecticut and "compact" means the Tribal-State Compact between the tribe and the state of Connecticut, dated May 17, 1994.

(b) The expenses of administering the provisions of the compact shall be financed as provided [[herein](#)] [in this section](#). Assessments for regulatory costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Revenue Services in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for

the state agency incurring such costs.

(c) Assessments for law enforcement costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Public Safety in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs.

(d) If the tribe is aggrieved due to any assessment levied pursuant to such compact and this section or by any failure to adjust an excess assessment in accordance with the provisions of the compact and this section, it may, within one month from the time provided for the payment of such assessment, appeal therefrom in accordance with the terms of the compact, to the superior court for the judicial district of New Britain, which appeal shall be accompanied by a citation to the [\[executive director of the Division of Special Revenue\]](#) [Commissioner of Consumer Protection](#) to appear before said court. Such citation shall be signed by the same authority, and such appeal shall be returnable at the same time and served and returned in the same manner as is required in case of a summons in a civil action. Proceedings in such matter shall be conducted in the same manner as provided for in section 38a-52.

(e) The [\[executive director\]](#) [Commissioner of Consumer Protection](#) shall require each applicant for a casino gaming employee license, casino gaming service license or casino gaming equipment license to submit to state and national criminal history records checks before such license is issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.

Sec. 196. Section 12-801 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in sections 12-563a and 12-800 to 12-818, inclusive, the following terms shall have the following meanings unless the context clearly indicates another meaning:

- (1) "Board" or "board of directors" means the board of directors of the corporation;
- (2) "Corporation" means the Connecticut Lottery Corporation as created under section 12-802;
- [\(3\) "Division" means the former Division of Special Revenue in the Department of Revenue Services;](#)

~~[(3)]~~ [\(4\)](#) "Lottery" means (A) the Connecticut state lottery conducted prior to the transfer authorized under section 12-808 by the Division of Special Revenue, (B) after such transfer, the Connecticut state lottery conducted by the corporation pursuant to sections 12-563a and 12-800 to 12-818, inclusive, and (C) the state lottery referred to in subsection (a) of section 53-278g;

(4) **(5)** "Lottery fund" means a fund or funds established by, and under the management and control of, the corporation, into which all lottery revenues of the corporation are deposited, from which all payments and expenses of the corporation are paid and from which transfers to the General Fund are made pursuant to section 12-812;

(5) **(6)** "Operating revenue" means total revenue received from lottery sales less all cancelled sales and amounts paid as prizes but before payment or provision for payment of any other expenses.

Sec. 197. Section 12-802 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is created a body politic and corporate, constituting a public instrumentality and political subdivision of the state created for the performance of an essential governmental revenue-raising function, which shall be named the Connecticut Lottery Corporation, and which may exercise the functions, powers and duties set forth in sections 12-563a and 12-800 to 12-818, inclusive, to implement the purposes set forth in said sections, which are public purposes for which public funds may be expended. The Connecticut Lottery Corporation shall not be construed to be a department, institution or agency of the state with respect to budgeting, procurement or personnel requirements, except as provided in sections 1-120, 1-121, 1-125, 12-557e, [as amended by this act](#), 12-563, 12-563a, 12-564, 12-566, 12-567, 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive.

(b) The corporation shall be governed by a board of thirteen directors. The Governor, with the advice and consent of the General Assembly, shall appoint four directors who shall have skill, knowledge and experience in the fields of management, finance or operations in the private sector. Three directors shall be the State Treasurer, the Secretary of the Office of Policy and Management and the executive director of the Division of Special Revenue, all of whom shall serve ex officio and shall have all of the powers and privileges of a member of the board of directors. Each ex-officio director may designate his [or her](#) deputy or any member of his [or her](#) staff to represent him [or her](#) at meetings of the corporation with full power to act and vote on his [or her](#) behalf. The executive director of the Division of Special Revenue shall cease to be a director one year from June 4, 1996, or earlier at the discretion of the Governor. The Governor, with the advice and consent of the General Assembly, shall fill the vacancy created by the removal or departure of the executive director of the Division of Special Revenue with a person who shall have skill, knowledge and experience in the fields of management, finance or operations in the private sector. The Governor shall thereafter have the power to appoint a total of five members to the board. The procedures of section 4-7 shall apply to the confirmation of the Governor's appointments by both houses of the General Assembly. Six directors shall be appointed as follows: One by the president pro tempore of the Senate, one by the majority leader of the Senate, one by the minority leader of the Senate, one by the speaker of the House of Representatives, one by the majority leader of the House of Representatives and one by the minority leader of the House of Representatives. Each director appointed by the Governor shall serve at the pleasure of the Governor but no longer than the term of office of the Governor or until the director's successor is appointed and qualified, whichever term is longer. Each director appointed by a member of the General Assembly shall serve in

accordance with the provisions of section 4-1a. The Governor shall fill any vacancy for the unexpired term of a member appointed by the Governor. The appropriate legislative appointing authority shall fill any vacancy for the unexpired term of a member appointed by such authority. Any director, other than the executive director of the Division of Special Revenue, shall be eligible for reappointment. [The Commissioner of Consumer Protection shall not serve as a director.](#) Any director may be removed by order of the Superior Court upon application of the Attorney General for misfeasance, malfeasance or wilful neglect of duty. Such actions shall be tried to the court without a jury and shall be privileged in assignment for hearing. If the court, after hearing, finds there is clear and convincing evidence of such misfeasance, malfeasance or wilful neglect of duty it shall order the removal of such director. Any director so removed shall not be reappointed to the board. Each appointing authority shall make his initial appointment to the board no later than six months following June 4, 1996.

(c) The chairperson of the board shall be appointed by the Governor from among the members of the board. The directors shall annually elect one of their number as vice chairperson. The board may elect such other officers of the board as it deems proper. Directors shall receive no compensation for the performance of their duties under sections 12-563a and 12-800 to 12-818, inclusive, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(d) Meetings of the corporation shall be held at such times as shall be specified in the bylaws adopted by the corporation and at such other time or times as the chairperson deems necessary. The corporation shall, within the first ninety days of the transfer to the corporation of the lottery, pursuant to section 12-808, [as amended by this act](#), and on a fiscal quarterly basis thereafter, report on its operations for the preceding fiscal quarter to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, and public safety. The report shall include a summary of the activities of the corporation, a statement of operations and, if necessary, recommendations for legislation to promote the purposes of the corporation. The accounts of the corporation shall be subject to audit by the state Auditors of Public Accounts. The corporation shall have independent certified public accountants audit its books and accounts at least once each fiscal year. The books, records and financial statements of the corporation shall be prepared in accordance with generally accepted accounting principles.

(e) **[(1)]** Connecticut Lottery Corporation shall be a successor employer to the state and shall recognize existing bargaining units and collective bargaining agreements existing at the time of transfer of the lottery to the corporation. The employees of the corporation shall be considered state employees under the provisions of sections 5-270 to 5-280, inclusive. The corporation shall not be required to comply with personnel policies and procedures of the Department of Administrative Services and the Office of Policy and Management with regard to approval for the creation of new positions, the number of such positions, the decision to fill such positions or the time for filling such positions. The corporation, not the executive branch, shall have the power to determine whether an individual is qualified to fill a vacancy at the corporation. Nonmanagerial employees of the corporation shall be members of the classified service. Managerial employees shall be exempt from the classified service. The corporation shall have the ability to determine the qualifications and set the terms and conditions of

employment of managerial employees including the establishment of incentive plans.

[(2) Existing lottery employees of the Division of Special Revenue in collective bargaining units shall be offered the opportunity to transfer with their position to the corporation. If the corporation elects to employ a smaller number of persons in such positions at the corporation than exist in the lottery at the Division of Special Revenue, the opportunity to transfer to the corporation shall be offered on the basis of seniority. Employees who are offered the opportunity to transfer to the corporation may decline to do so. Any person who is covered by a collective bargaining agreement as an employee of the Division of Special Revenue who accepts employment with the corporation shall transfer with his position and shall remain in the same bargaining unit of which he was a member as an employee of the Division of Special Revenue.

(3) No employee who is covered by a collective bargaining agreement as an employee of the Division of Special Revenue shall be laid off as a result of the creation of the corporation. Each employee of the Division of Special Revenue who is not employed by the corporation and by virtue of sections 12-563a and 12-800 to 12-818, inclusive, is no longer employed by the Division of Special Revenue shall be assigned with his position to another state agency. Such opportunities shall be offered in the order of seniority. Seniority shall be defined in the same way as cases of transfer under the appropriate collective bargaining agreements. Such assignments shall be made only with the approval of the Office of Policy and Management and shall be reported at the end of the fiscal year to the Finance Advisory Committee. Employees may choose to be laid off in lieu of accepting any such assignment. In such case, they shall be entitled to all collective bargaining rights under their respective collective bargaining agreements including the State Employees Bargaining Agent Coalition (SEBAC). Sections 1-120, 1-121, 1-125, 12-557e, 12-563, 12-563a, 12-564, 12-566, 12-567, 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive, shall in no way affect the collective bargaining rights of employees of the Division of Special Revenue.

(f) (1) In addition to the sales positions transferred to the corporation under subdivision (2) of subsection (e) of this section, the]

(f) (1) The corporation may create one or more new classifications of entrepreneurial sales employees as determined by the board of directors. Such classifications shall not be deemed comparable to other classifications in state service.

[(2) For the period commencing on June 4, 1996, until the expiration of the collective bargaining agreement in effect for transferred sales employees or the date of approval by the legislature of any interim agreement, whichever is earlier, the corporation may hire employees into a new entrepreneurial sales classification without regard to any collective bargaining agreement then in effect and may set the initial terms and conditions of employment for all employees in a new entrepreneurial sales classification.

(3) Six months after the hiring of the first employee in any such new entrepreneurial sales classification, the collective bargaining agent of the transferred sales employees and the executive branch on behalf of the corporation shall engage in midterm bargaining for such

classification at the request of either party. The scope of such midterm bargaining shall include all terms of employment, except that provisions relating to compensation shall not be subject to arbitration, provided that the average annualized compensation for such entrepreneurial sales classification shall not be less than the average annualized compensation for transferred sales employees.]

[(4)] (2) Upon the expiration of the collective bargaining agreement covering transferred sales employees, all terms and conditions of employment in a new entrepreneurial sales classification shall be subject to collective bargaining as part of the negotiation of a common successor agreement.

(g) The executive branch [shall be authorized and empowered to] may negotiate on behalf of the corporation for employees of the corporation covered by collective bargaining and represent the corporation in all other collective bargaining matters. The corporation shall be entitled to have a representative present at all such bargaining.

(h) In any interest arbitration regarding employees of the corporation, the arbitrator shall take into account as a factor, in addition to those factors specified in section 5-276a, the purposes of sections 1-120, 1-121, 1-125, 12-557e, as amended by this act, 12-563, 12-563a, 12-564, 12-566, 12-567, 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive, the entrepreneurial mission of the corporation and the necessity to provide flexibility and innovation to facilitate the success of the Connecticut Lottery Corporation in the marketplace. In any arbitration regarding any classification of entrepreneurial sales employees, the arbitrator shall include a term awarding incentive compensation for such employees for the purpose of motivating employees to maximize lottery sales.

(i) The officers and all other employees of the corporation shall be state employees for the purposes of group welfare benefits and retirement, including, but not limited to, those provided under chapter 66 and sections 5-257 and 5-259. The corporation shall reimburse the appropriate state agencies for all costs incurred by such designation.

Sec. 198. Section 12-806b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Commencing [July 1, 2010] April 1, 2012, and annually thereafter, the Office of Policy and Management shall assess the Connecticut Lottery Corporation in an amount sufficient to compensate the [Division of Special Revenue] Department of Consumer Protection for the reasonable and necessary costs incurred by the [division] department for the regulatory activities specified in subdivision (13) of subsection (b) of section 12-806 for the preceding fiscal year ending June thirtieth.

(b) On or before [August] May first of each year, the Office of Policy and Management shall submit the total of the assessment made in accordance with subsection (a) of this section, together with a proposed assessment for the succeeding fiscal year based on the preceding fiscal year cost, to the Connecticut Lottery Corporation. The assessment for the preceding fiscal year shall be determined not later than [September] June fifteenth of each year, after receiving

any objections to the proposed assessments and making such changes or adjustments as the Secretary of the Office of Policy and Management determines to be warranted. The corporation shall pay the total assessment in quarterly payments to the Office of Policy and Management, with the first payment commencing on ~~[October]~~ July first of each year, and with the remaining payments to be made on ~~[January]~~ October first, ~~[April]~~ January first, and ~~[July]~~ April first annually. The office shall deposit any such payment in the lottery assessment account established under subsection (c) of this section.

(c) There is established an account to be known as the "lottery assessment account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the ~~[Division of Special Revenue]~~ Department of Consumer Protection.

Sec. 199. Section 22-410 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Department of Agriculture and the ~~[Division of Special Revenue]~~ Department of Consumer Protection, within the limitations of funds available, may offer cash awards to the breeders of Connecticut-bred horses which officially finish in first place in horse races conducted in this state where pari-mutuel betting is permitted and to those which finish first, second or third in horse races where pari-mutuel betting is permitted and the total purse is twenty thousand dollars or more, and to owners at the time of service of the stallions which sired such horses. Such awards shall be paid from the Connecticut Breeders' Fund to be administered by the ~~[department and the division]~~ departments. Said fund shall consist of revenues derived from pari-mutuel betting in such races in the state, both on and off-track, consisting of twenty-five per cent of the tax derived from the breakage of the state's share of the tax derived from such races, pursuant to subdivision (2) of subsection (d) of section 12-575, with a limit set for the fund not to exceed fifty thousand dollars in any fiscal year.

Sec. 200. Section 22-412 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Department of Agriculture and the ~~[Division of Special Revenue]~~ Department of Consumer Protection shall use part of said fund for programs to promote the equine industry in the state of Connecticut, such as equine activities, facilities and research. The Department of Agriculture and the ~~[Division of Special Revenue]~~ Department of Consumer Protection may ~~[promulgate]~~ adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section and sections 22-410, as amended by this act, and 22-411.

Sec. 201. Section 29-7c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

There is established a unit in the Division of State Police within the Department of Public Safety to be known as the legalized gambling investigative unit. The unit, in conjunction with the special policemen in the ~~[Division of Special Revenue]~~ Department of Consumer Protection, shall be responsible for (1) the criminal enforcement of the provisions of sections 7-

169 to 7-186, inclusive, [as amended by this act](#), and chapters 226, 226b and 229a, and (2) the investigation, detection of and assistance in the prosecution of any criminal matter or alleged violation of criminal law with respect to legalized gambling, provided the legalized gambling investigative unit shall be the primary criminal enforcement agency. Nothing in this section shall limit the powers granted to persons appointed to act as special policemen in accordance with the provisions of section 29-18c.

Sec. 202. Section 30-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section, the "filing date" of an application means the date upon which the department, after approving the application for processing, mails or otherwise delivers to the applicant a placard containing such date.

(b) (1) Any person desiring a liquor permit or a renewal of such a permit shall make a sworn application therefor to the Department of Consumer Protection upon forms to be furnished by the department, showing the name and address of the applicant and of the applicant's backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or the applicant's backer may have been convicted. Applicants shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local ordinances concerning hours and days of sale shall not apply to any class of airport permit. The State Fire Marshal or the marshal's certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of such person's license [[from the Division of Special Revenue or the Gaming Policy Board](#)] with such application [if such license was issued by the Gaming Policy Board](#). The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant.

(2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a charitable organization, including a nonprofit public television corporation, a nonprofit golf tournament permit, a temporary permit or a special club permit; and for all other permits in the amount of one hundred dollars for the filing of an initial application. Any permit issued shall be valid only for the purposes and activities described in the application.

(3) The applicant, immediately after filing an application, shall give notice thereof, with the

name and residence of the permittee, the type of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for airline permits, charitable organization permits, temporary permits, special club permits, concession permits, military permits, railroad permits, boat permits, warehouse permits, brokers' permits, out-of-state shippers' permits for alcoholic liquor and out-of-state shippers' permits for beer, coliseum permits, coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, nonprofit golf tournament permits, nonprofit public television permits and renewals. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment upon filing of a renewal application.

(4) In any case in which a permit has been issued to a partnership, if one or more of the partners dies or retires, the remaining partner or partners need not file a new application for the unexpired portion of the current permit, and no additional fee for such unexpired portion shall be required. Notice of any such change shall be given to the department and the permit shall be endorsed to show correct ownership. When any partnership changes by reason of the addition of one or more persons, a new application with new fees shall be required.

(c) Any ten persons who are at least eighteen years of age, and are residents of the town within which the business for which the permit or renewal thereof has been applied for, is intended to be operated, or, in the case of a manufacturer's or a wholesaler's permit, any ten persons who are at least eighteen years of age and are residents of the state, may file with the department, within three weeks from the last date of publication of notice made pursuant to subdivision (3) of subsection (b) of this section for an initial permit, and in the case of renewal of an existing

permit, at least twenty-one days before the renewal date of such permit, a remonstrance containing any objection to the suitability of such applicant or proposed place of business. Upon the filing of such remonstrance, the department, upon written application, shall hold a hearing and shall give such notice as it deems reasonable of the time and place at least five days before such hearing is had. The remonstrants shall designate one or more agents for service, who shall serve as the recipient or recipients of all notices issued by the department. At any time prior to the issuance of a decision by the department, a remonstrance may be withdrawn by the remonstrants or by such agent or agents acting on behalf of such remonstrants and the department may cancel the hearing or withdraw the case. The decision of the department on such application shall be final with respect to the remonstrance.

(d) No new permit shall be issued until the foregoing provisions of subsections (a) and (b) of this section have been complied with. Six months' or seasonal permits may be renewed, provided the renewal application and fee shall be filed at least twenty-one days before the reopening of the business, there is no change in the permittee, ownership or type of permit, and the permittee or backer did not receive a rebate of the permit fee with respect to the permit issued for the previous year.

(e) The department may renew a permit that has expired if the applicant pays to the department a nonrefundable late fee pursuant to subsection (c) of section 21a-4, which fee shall be in addition to the fees prescribed in this chapter for the permit applied for. The provisions of this subsection shall not apply to one-day permits, to any permit which is the subject of administrative or court proceedings, or where otherwise provided by law.

Sec. 203. Section 30-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Department of Consumer Protection may [**upon notice from the Division of Special Revenue of the name and address of any person who**] suspend any permit issued under this chapter if the permittee has had a license suspended or revoked by the Gaming Policy Board or the [**executive director of the Division of Special Revenue, suspend the permit of such person**] department until such license has been restored to such person. [**The Department of Consumer Protection shall notify the Division of Special Revenue of the name and address of any permittee or backer whose permit has been suspended or revoked.**]

Sec. 204. Section 31-51y of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Nothing in sections 31-51t to 31-51aa, inclusive, shall prevent an employer from conducting medical screenings, with the express written consent of the employees, to monitor exposure to toxic or other unhealthy substances in the workplace or in the performance of their job responsibilities. Any such screenings or tests shall be limited to the specific substances expressly identified in the employee consent form.

(b) Nothing in sections 31-51t to 31-51aa, inclusive, shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability

to discipline an employee for being under the influence of intoxicating substances during work hours.

(c) Nothing in sections 31-51t to 31-51aa, inclusive, shall restrict or prevent a urinalysis drug test program conducted under the supervision of the [[Division of Special Revenue within the Department of Revenue Services](#)] [Department of Consumer Protection](#) relative to jai alai players, jai alai court judges, jockeys, harness drivers or stewards participating in activities upon which pari-mutuel wagering is authorized under chapter 226.

Sec. 205. Subsection (d) of section 53-278c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(d) Except as provided in subsection (e), any person who knowingly owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs or transports any gambling device, or offers or solicits any interest therein, except in connection with a permit under sections 7-169 to 7-186, inclusive, [as amended by this act](#), whether through an agent or employee or otherwise shall be guilty of a class A misdemeanor. Subsection (b) of this section shall have no application in the enforcement of this subsection.

Sec. 206. Section 7-169 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The term "bingo" is defined as the name of a game in which each player receives a card containing several rows of numbers and, as numbers are drawn or otherwise obtained by chance and publicly announced, the player first having a specified number of announced numbers appearing on his card in a continuous straight line or covering a previously designated arrangement of numbers on such card is declared the winner. The word "person" or "applicant", as used in this section, means the officer or representative of the sponsoring organization or the organization itself. The term "session" means a series of games played in one day. [[Executive director](#)] "[Commissioner](#)" means the [[executive director of the Division of Special Revenue within the Department of Revenue Services](#)] [Commissioner of Consumer Protection](#), who shall be responsible for the administration and regulation of bingo in the state.

(b) Upon a written petition of five per cent or more of the electors of any municipality requesting the selectmen, common council or other governing body of such municipality to vote upon the question of permitting the playing of bingo within such municipality, such governing body shall vote upon such question and, if the vote is in the affirmative, it shall be permitted, subject to the restrictions herein set forth, and if the vote is in the negative, bingo shall not be permitted to be played in such municipality. When the selectmen, common council or other governing body of any municipality have voted favorably upon the question of permitting the playing of bingo within such municipality, the playing of such game shall be permitted in such municipality indefinitely thereafter, without further petition or action by such governing body, unless such governing body has forbidden the playing of said game upon a similar written petition of five per cent or more of the electors of such municipality, whereupon bingo shall not be permitted to be played after such negative vote.

(c) The [[executive director of the Division of Special Revenue](#)] [Commissioner of Consumer Protection](#), with the advice and consent of the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary [[effectively](#)] to [effectively](#) carry out the provisions of this section and section 7-169a, [as amended by this act](#), in order to prevent fraud and protect the public, which regulations shall have the effect of law.

(d) No bingo game or series of bingo games shall be promoted, operated or played unless the same is sponsored and conducted exclusively by a charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange. Any such organization or group shall have been organized for not less than two years prior to its application for a bingo permit under the terms of this section. The promotion and operation of said game or games shall be confined solely to the qualified members of the sponsoring organization, except that the [[executive director of the Division of Special Revenue](#)] [Commissioner of Consumer Protection](#) may permit any qualified member of a sponsoring organization who has registered with the [[executive director](#)] [said commissioner](#), on a form prepared by him [or her](#) for such purpose, to assist in the operation of a game sponsored by another organization. The [[executive director](#)] [commissioner](#) may revoke such registration for cause.

(e) Any eligible organization desiring to operate bingo games in any municipality in which the governing body has voted to permit the playing thereof shall [[make application](#)] [apply](#) to the [[executive director of the Division of Special Revenue](#)] [Commissioner of Consumer Protection](#), which application shall contain a statement of the name and address of the applicant, the location of the place at which the games are to be played and the seating capacity of such place, the date or dates for which a permit is sought, the class of permit sought and any other information which the [[executive director](#)] [commissioner](#) reasonably requires for the protection of the public, and, upon payment of the fee [[hereinafter](#)] provided for [in this section](#), the [[executive director](#)] [commissioner](#) is authorized to issue such permit, provided such eligible organization has been registered [[by him](#)] as provided in section 7-169a, [as amended by this act](#).

(f) Permits shall be known as "Class A" which shall be annual one-day-per-week permits and shall permit the conduct of not more than forty and not less than fifteen bingo games on such day, and "Class B" which shall permit not more than forty and not less than fifteen bingo games per day for a maximum of ten successive days, and "Class C" which shall be annual one-day-per-month permits and shall permit the conduct of not more than forty and not less than fifteen bingo games on such day. "Class A" permits shall allow the playing of bingo no more than one day weekly. Not more than two "Class B" permits shall be issued to any one organization within any twelve-month period. "Class C" permits shall allow the playing of bingo no more than one day per month.

(g) Permit fees shall be remitted to the state as follows: "Class A", seventy-five dollars; "Class B", five dollars per day; "Class C", fifty dollars.

(h) Each person who operates bingo games shall keep accurate records of receipts and disbursements, which shall be available for inspection by the [[executive director](#)]

commissioner and the chief law enforcement official in the municipality in which such bingo games are operated. Any information acquired by the [executive director] commissioner pursuant to this subsection shall be available to the Commissioner of Public Safety upon request.

(i) Prizes offered for the winning of bingo games may consist of cash, merchandise, tickets for any lottery conducted under chapter 226, the value of which shall be the purchase price printed on such tickets, or other personal property. No permittee may offer a prize which exceeds [one] two hundred dollars in value, except that (1) a permittee may offer a prize or prizes on any one day of not less than [one hundred one] two hundred fifty-one dollars or more than [three hundred] seven hundred fifty dollars in value, provided the total value of such prizes on any one day does not exceed [twelve] twenty-five hundred dollars, (2) a permittee may offer one or two winner-take-all games or series of games played on any day on which the permittee is allowed to conduct bingo, provided ninety per cent of all receipts from the sale of bingo cards for such winner-take-all game or series of games shall be awarded as prizes for such games or series of games and provided each prize awarded does not exceed [five hundred] one thousand dollars in value, (3) the holder of a Class A permit may offer two additional prizes on a weekly basis not to exceed [one hundred twenty-five] five hundred dollars each as a special grand prize and in the event such a special grand prize is not won, the money reserved for such prize shall be added to the money reserved for the next week's special grand prize, provided no such special grand prize may accumulate for more than sixteen weeks or exceed a total of [two] five thousand dollars, and (4) a permittee may award door prizes the aggregate value of which shall not exceed [two] five hundred dollars in value. When more than one player wins on the call of the same number, the designated prize shall be divided equally to the next nearest dollar. If a permittee elects, no winner may receive a prize which amounts to less than ten per cent of the announced prize and in such case the total of such multiple prizes may exceed the statutory limit of such game.

(j) Any organization operating or conducting a bingo game shall file a return with the [executive director] commissioner, on a form prepared by him or her, within ten days after such game is held or within such further time as the [executive director] commissioner may allow, and pay to the state a fee of five per cent of the gross receipts, less the prizes awarded including prizes reserved for special grand prize games, derived from such games at each bingo session. All such returns shall be public records. The [executive director] commissioner shall pay each municipality in which bingo games are conducted, one-quarter of one per cent of the total money wagered less prizes awarded on such games conducted. He or she shall make such payment at least once a year and not more than four times a year from the fee imposed pursuant to this subsection.

(k) (1) Whenever it appears to the [executive director] commissioner after an investigation that any person is violating or is about to violate any provision of this section or section 7-169a, as amended by this act, or administrative regulations issued pursuant thereto, the [executive director] commissioner may in his or her discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, [within] not later

than fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(2) Whenever the [executive director] commissioner finds as the result of an investigation that any person has violated any provision of this section or section 7-169a, as amended by this act, or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by this section or section 7-169a, as amended by this act, or by the [executive director] commissioner, the [executive director] commissioner may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than [fourteen] thirty days after the notice is mailed.

(3) The [executive director] commissioner shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the [executive director] commissioner finds that such person committed such a violation or made such a false statement, the [executive director] commissioner may, in his or her discretion, suspend or revoke such permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The [executive director] commissioner shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. Any person aggrieved by a decision of the [executive director] commissioner under this subdivision shall have a right of appeal to the Gaming Policy Board for a hearing. Any person aggrieved by a decision of the Gaming Policy Board shall have a right of appeal pursuant to section 4-183.

(4) Whenever the [executive director] commissioner revokes a permit issued pursuant to this section, he or she shall not issue any permit to such permittee for one year after the date of such revocation.

(5) Any person who promotes or operates any bingo game without a permit therefor, or who violates any provision of this section or section 7-169a, as amended by this act, or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by this section or section 7-169a, as amended by this act, or by the [executive director] commissioner shall be fined not more than [two] five hundred dollars or imprisoned not more than sixty days, or both.

Sec. 207. Section 7-185a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations

adopted thereunder, any organized church, volunteer fire company or veterans organization or association conducting a bazaar or raffle, (1) may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing; (2) may conduct the bazaar in a municipality other than the municipality which grants the permit, provided the municipality in which the bazaar is to be conducted has adopted the provisions of sections 7-170 to 7-186, inclusive, and the chief executive officer of such municipality has in writing approved such bazaar; (3) may be permitted to redeem prizes in cash; (4) shall be exempt from the requirement of preserving unsold raffle tickets beyond ninety days after the conclusion of the holding, operating and conducting of such bazaar or raffle and shall be permitted to dispose of unclaimed prizes after such ninety days; and (5) may file a reconciliation of expenditures and receipts signed by an officer in lieu of an accountant.

(b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, [as amended by this act](#), and the regulations adopted thereunder, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 and recognized as a nonprofit organization under the provisions of Section 501(c)(3) of the federal Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing.

(c) Notwithstanding the provisions of section 7-177, any organization conducting a bazaar may operate "fifty-fifty" coupon games each day of a permitted bazaar event and may award cash prizes of fifty per cent of "fifty-fifty" coupon game sales for each coupon drawing conducted. Not more than three scheduled drawings may be held on any day on which a bazaar is permitted. A "fifty-fifty" coupon game shall be operated from an authorized bazaar booth, subject to the regulation of the [\[executive director of the Division of Special Revenue\] commissioner](#) and shall allow for the sale of "fifty-fifty" coupons at a predetermined uniform price. Each "fifty-fifty" coupon shall be consecutively numbered and shall have a correspondingly numbered stub. Each sponsoring organization shall provide different colored coupons for each drawing and shall award one prize for each drawing held. Each organization conducting such games shall conspicuously post, at each bazaar booth at which such games are conducted, a notice or notices which shall include the dates, times and places of any "fifty-fifty" coupon drawings, as well as the prices and colors of coupons to be sold for each drawing. The [\[executive director\] commissioner](#) shall prescribe the form of such notice which shall contain the following statement: "Holders of coupons must be present to claim a prize. " Each such organization shall account for each coupon printed and sold for each drawing and shall announce the amount of sales and the prize to be awarded immediately prior to each drawing. The sponsoring organization shall preserve all sold and unsold coupons or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182. [\[At the conclusion of a bazaar, each organization conducting such games, and its members who were in charge thereof, shall furnish to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, prescribed by the executive director of the Division of Special Revenue, in duplicate, showing \(1\) the total number of coupons purchased and sold for each "fifty-fifty" coupon game drawing, and \(2\) the total](#)

number and amount of prizes awarded and the names and addresses of the persons to whom the prizes were awarded. Such report shall be furnished during the next succeeding month. The chief of police or first selectman, as the case may be, shall forward the original copy of such report to the executive director, who shall keep it on file and available for public inspection for a period of one year thereafter. Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for the bazaar.]

(d) Notwithstanding the provisions of section 7-177, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a cow-chip raffle once a calendar year and [, pursuant to a "Class No. 1", "Class No. 2" or "Class No. 4" permit,] may award cash prizes in connection with participation in such a raffle, in addition to those prizes authorized pursuant to section 7-177. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the [executive director of the Division of Special Revenue] [Commissioner of Consumer Protection](#). A cow-chip raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of a plot of land for purposes of the conduct of the cow-chip raffle. [Each organization intending to sponsor or conduct a cow-chip raffle shall furnish with its application, required pursuant to section 7-173, a cow-chip raffle plot plan displaying the land area to be utilized for such raffle and the numbered plots, each corresponding to a numbered cow-chip raffle ticket. Each such] [Each](#) organization conducting a cow-chip raffle shall provide for a suitable land area on which the cow-chip raffle activity is to be conducted. The area shall be sufficiently enclosed so as to confine any animal utilized in the conduct of a cow-chip raffle during the period in which the animal is so utilized. The area shall be adequately marked so as to display the number of plots to be utilized, which shall correspond to the number of cow-chip raffle tickets to be sold. The manner in which winners in a cow-chip raffle are determined shall be clearly stated prior to the commencement of a cow-chip raffle drawing and each sponsoring organization shall conspicuously post an information board [, prescribed by the executive director of the Division of Special Revenue,] which shall display the consecutively numbered plots of the cow-chip raffle event. A cow-chip raffle drawing shall commence at a designated time and shall continue until all winners of authorized prizes have been determined. No person may feed, lead or handle any animal utilized in a cow-chip raffle once the animal has entered into the enclosed area from which winners will be determined. Each organization conducting a cow-chip raffle shall deposit all proceeds from the conduct of such raffle in a special checking account established and maintained by such organization, which shall be subject to audit by the [Division of Special Revenue] [Commissioner of Consumer Protection](#). Any expense incidental to the conduct of such raffle shall be paid from the gross receipts of cow-chip raffle tickets and only by checks drawn from such checking account. All cash prizes awarded shall be paid from such checking account.

(e) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted pursuant to said sections, any organization conducting a bazaar may operate a "teacup raffle" and may, through the sale of chances, award prizes consisting of gift certificates or merchandise, each not exceeding two hundred fifty dollars in value. No such organization may conduct more than one scheduled "teacup raffle" drawing for all prizes offered on any

day on which a bazaar is permitted. A "teacup raffle" shall be operated from an authorized bazaar booth, and shall be subject to regulation by the [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#). Each "teacup raffle" ticket shall (1) be consecutively numbered and have a correspondingly numbered stub that shall include the name, address and telephone number of the purchaser, or (2) be a sheet containing up to twenty-five coupons, each bearing the same number, and including a "hold" stub for the purchaser and a correspondingly numbered stub including the name, address and telephone number of the purchaser. [\[The Division of Special Revenue shall be the sole issuer of sheet\] Sheet](#) tickets [\[which\]](#) shall be made available for purchase by permittees as fund raising items at a price not to exceed ten per cent above the [\[state\]](#) purchase price. Each sponsoring organization conducting such raffle shall conspicuously post, at each bazaar booth at which such raffle is conducted, a notice or notices that include the date and time of any "teacup raffle" drawing. The sponsoring organization shall preserve all sold and unsold tickets or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182.

(f) (1) Any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a duck-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the [\[executive director\] Commissioner of Consumer Protection](#). For the purpose of this subsection, "duck-race raffle" means a raffle in which artificial ducks, numbered consecutively to correspond with the number of tickets sold for such raffle, are placed in a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first duck to pass a designated finishing point is the winning ticket. (2) The [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#), with the advice and consent of the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, that establish procedures for the operation of duck-race raffles.

(g) (1) Any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a frog-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#). For the purpose of this subsection, "frog-race raffle" means a raffle in which artificial frogs conforming to specifications approved by the [\[executive director\] commissioner](#) and numbered consecutively to correspond with the number of tickets sold for such raffle, are placed in a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first frog to pass a designated finishing point is the winning ticket. (2) The [\[executive director\] commissioner](#), with the advice and consent of the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, that establish procedures for the operation of frog-race raffles.

Sec. 208. Section 7-169a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Every organization desiring to apply for a permit under subsection (e) of section 7-169, [as](#)

amended by this act, to operate bingo games shall, before making any such application, register with the **[executive director of the Division of Special Revenue]** Commissioner of Consumer Protection on forms furnished by **[him]** the commissioner and secure an identification number. All applications for permits, amendment of permits, reports and any other papers relating to games of bingo shall bear the identification number of the organization involved. Neither registration nor the assignment of an identification number, which may be revoked for cause, shall constitute, or be any evidence of, the eligibility of any organization to receive a permit for or to conduct any game of bingo.

Sec. 209. Section 7-169c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Any organization whose membership consists of persons sixty years of age or over may operate and conduct bingo games on and after January 1, 1989, for the amusement and recreation of its members without a permit as required by section 7-169, as amended by this act, provided (1) such organization has registered with and applied for and received an identification number from the **[executive director of the Division of Special Revenue]** Commissioner of Consumer Protection, (2) such organization does not charge an admission fee in excess of one dollar, (3) the prize or prizes awarded do not exceed **[twenty]** fifty dollars in value, either in cash or merchandise, and (4) only active members of such organization assist in the operation of the bingo games without compensation. The **[executive director]** commissioner may revoke any such registration for cause.

(b) Each such organization which operates bingo games shall keep accurate records of receipts and disbursements, which shall be available for inspection by the **[executive director]** commissioner.

(c) Each such organization shall be exempt from the provisions of sections 7-169, as amended by this act, and 7-169a, as amended by this act.

(d) The **[executive director of the Division of Special Revenue]** Commissioner of Consumer Protection, with the advice and consent of the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary effectively to carry out the provisions of this section in order to prevent fraud and protect the public, which regulations shall have the effect of law.

Sec. 210. Section 7-169d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) As used in this section (1) "bingo" has the same meaning as provided in section 7-169, as amended by this act, and (2) "bingo products" means bingo ball equipment, bingo cards or bingo paper.

(b) Each group or organization authorized to operate or conduct a bingo game or series of bingo games pursuant to sections 7-169, as amended by this act, 7-169a, as amended by this act, and 7-169c, as amended by this act, shall use bingo products that are (1) owned in full by

such group or organization, (2) used without compensation by such group or organization, or (3) rented or purchased from a bingo product manufacturer or equipment dealer who is registered with the [\[Division of Special Revenue\] Commissioner of Consumer Protection](#) in accordance with subsection (c) of this section.

(c) Each applicant for registration as a bingo product manufacturer or equipment dealer shall apply to the [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#) on such forms as the [\[executive director\] commissioner](#) prescribes. The application shall be accompanied by an annual fee of [\[one thousand seven hundred fifty\] two thousand five hundred](#) dollars payable to the State Treasurer. Each applicant for an initial registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

(d) No registered bingo product manufacturer or equipment dealer shall rent or sell any type of bingo product that has not been approved by the [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#).

(e) The [\[Division of Special Revenue\] Commissioner of Consumer Protection](#) may revoke for cause any registration issued in accordance with subsection (c) of this section.

(f) The [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#) may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 211. Section 7-169e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Any parent teacher association or organization may operate and conduct games of bingo, as defined in section 7-169, [as amended by this act](#), for the amusement and recreation of such association's or organization's members and guests without a permit, as required by said section, provided (1) such association or organization registers annually with the [\[Division of Special Revenue\] Department of Consumer Protection](#) and pays an annual registration fee of [\[forty\] eighty](#) dollars, (2) such association or organization obtains an identification number from the division, (3) such association or organization charges an admission fee of not more than one dollar, (4) each individual prize of cash or merchandise offered does not exceed [\[twenty\] fifty](#) dollars in value, and (5) only active members of such association or organization assist in the operation of the games of bingo and assist without compensation. The [\[executive director of the Division of Special Revenue\] Commissioner of Consumer Protection](#) may revoke any such registration for cause. Any registration fees collected in accordance with this subsection shall be remitted to the state.

(b) Each such association or organization shall keep accurate records of receipts and disbursements related to such games of bingo, and such records shall be available for inspection by the [\[executive director\] Commissioner of Consumer Protection](#).

(c) Each such association or organization shall be exempt from the requirements of sections 7-

169 and 7-169a, [as amended by this act](#).

(d) The [\[executive director of the Division of Special Revenue\]](#) [Commissioner of Consumer Protection](#), in consultation with the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section in order to prevent fraud and protect the public.

Sec. 212. Section 7-169h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section and section 7-169i, [as amended by this act](#):

(1) [\["Executive director"\]](#) ["Commissioner"](#) means the [\[executive director of the Division of Special Revenue within the Department of Revenue Services who shall be responsible for the regulation of the distribution and sale of sealed tickets in the state\]](#) [Commissioner of Consumer Protection](#);

(2) [\["Division"\]](#) ["Department"](#) means the [\[Division of Special Revenue within the Department of Revenue Services\]](#) [Department of Consumer Protection](#);

(3) "Sealed ticket" means a card with tabs which, when pulled, expose pictures of various objects, symbols or numbers and which entitles the holder of the ticket to receive a prize if the combination of objects, symbols or numbers pictured matches what is determined to be a winning combination;

[\(4\) "Distributor" means a person who is a resident of this state and is registered with the department to provide services related to the sale and distribution of sealed tickets to any organization permitted to sell sealed tickets by the department; and](#)

[\(5\) "Manufacturer" means a person who is registered with the department and who manufactures or assembles sealed tickets from raw materials, supplies or subparts.](#)

(b) No person shall sell, offer for sale or distribute a sealed ticket who has not applied for and received a permit from the [\[division\]](#) [department](#) to sell sealed tickets.

[\(c\) No organization permitted to sell sealed tickets in this state shall purchase sealed tickets from anyone other than a distributor.](#)

[\(d\) A distributor shall not purchase sealed tickets for sale or use in this state from any person except a manufacturer. A distributor shall have a physical office in this state and such office shall be subject to inspection by the commissioner or the commissioner's duly designated agent during normal business hours. No organization or group or any person affiliated with an organization or group permitted to sell sealed tickets under this section shall be permitted to be a distributor.](#)

[\(e\) A manufacturer shall not sell sealed tickets to any person in this state except a distributor.](#)

(f) All sealed tickets purchased by a distributor for sale or use in this state shall be stored or warehoused in this state prior to their sale to any organization permitted to sell sealed tickets.

(g) All sealed tickets sold in this state shall meet the standards on pull-tabs adopted by the North American Gaming Regulators Association.

[(c) (1) On and after October 1, 1987, the division] (h) (1) The department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169, as amended by this act, which holds a bingo permit issued in accordance with the provisions of section 7-169, as amended by this act. Such permit shall be renewed annually.

(2) The **[division]** department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169, as amended by this act, which holds a club permit or nonprofit club permit under the provisions of chapter 545. Such permit shall be renewed annually.

(3) The **[division]** department may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive.

(4) The **[division]** department may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange authorizing such organization to sell sealed tickets in conjunction with any social function or event sponsored or conducted by such organization. Any such organization shall have been organized for not less than two years prior to the date of its application for such permit. Such permit shall be renewed annually.

[(d) Permittees shall purchase sealed tickets from the division at a cost which is equal to ten per cent of their resale value.] (i) On and after July 1, 2011, the department may sell any sealed tickets it has in its possession as of said date, provided it does not purchase any new sealed tickets after said date. Permittees shall purchase such sealed tickets from the department at a cost which is equal to ten per cent of their resale value, until the department's supply of sealed tickets has been fully depleted. After the department's supply of sealed tickets has been fully depleted, permittees shall purchase such sealed tickets from a distributor at a cost which is equal to ten per cent of their resale value. Each such distributor shall remit thirty per cent of its gross revenue derived from such purchase fees to the State Treasurer on a quarterly basis.

(j) Each applicant for registration as a manufacturer or distributor shall apply to the commissioner on such forms as the commissioner prescribes. A distributor's application shall be accompanied by an annual fee of two thousand five hundred dollars, payable to the State Treasurer, and a manufacturer's application shall be accompanied by an annual fee of five thousand dollars, payable to the State Treasurer. Each applicant for an initial manufacturer or distributor registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

[(e)] (k) Notwithstanding the provisions of subsection (b) of section 53-278b and subsection (d)

of section 53-278c, sealed tickets may be sold, offered for sale, displayed or open to public view only (1) during the course of a bingo game conducted in accordance with the provisions of section 7-169, [as amended by this act](#), and only at the location at which such bingo game is conducted, (2) on the premises of any such organization or group specified in subdivision (2) of subsection [(c)] (h) of this section, (3) during the conduct of a bazaar under the provisions of sections 7-170 to 7-186, inclusive, or (4) in conjunction with any social function or event sponsored or conducted by any such organization specified in subdivision (4) of subsection [(c)] (h) of this section. Subject to the provisions of section 7-169i, [as amended by this act](#), permittees may utilize a mechanical or electronic ticket dispensing machine approved by the division to sell sealed tickets. Sealed tickets shall not be sold to any person less than eighteen years of age. All proceeds from the sale of tickets shall be used for a charitable purpose, as defined in section 21a-190a.

[(f)] (l) The fee for a permit to sell sealed tickets (1) issued to an organization authorized to conduct bingo under a "Class A" or "Class C" permit or to an organization specified in subdivision (4) of subsection [(c)] (h) of this section in conjunction with any social function or event sponsored or conducted by such organization shall be fifty dollars, (2) issued to an organization which holds a club permit or nonprofit club permit under the provisions of chapter 545 shall be seventy-five dollars, and (3) issued to an organization authorized to conduct bingo under a "Class B" permit or an organization which holds a permit to operate a bazaar shall be five dollars per day.

[(g)] (m) The [executive director] [commissioner](#), with the advice and consent of the Gaming Policy Board, shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section including, but not limited to, regulations concerning (1) qualifications of a charitable organization, (2) the price at which the charitable organization shall resell tickets, (3) information required on the ticket, including, but not limited to, the price per ticket, (4) the percentage retained by the organization as profit, which shall be at least ten per cent of the resale value of tickets sold, (5) the percentage of the resale value of tickets to be awarded as prizes, which shall be at least forty-five per cent, (6) apportionment of revenues received by the division from the sale of tickets, and (7) investigations of any charitable organization seeking a permit.

[(h)] (n) (1) Whenever it appears to the [executive director of the Division of Special Revenue] [commissioner](#) after an investigation that any person is violating or is about to violate any provision of this section or administrative regulations issued pursuant thereto, the [executive director] [commissioner](#) may in his [or her](#) discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(2) Whenever the [executive director] [commissioner](#) finds as the result of an investigation that any person has violated any provision of this section or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report

required by the [\[executive director, the executive director\]](#) [commissioner, the commissioner](#) may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(3) The [\[executive director\]](#) [commissioner](#) shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the [\[executive director\]](#) [commissioner](#) finds that such person committed such a violation or made such a false statement, the [\[executive director\]](#) [commissioner](#) may, in his [or her](#) discretion, suspend or revoke such permit and order that a civil penalty of not more than [\[two\]](#) [five](#) hundred dollars be imposed upon such person for such violation or false statement. The [\[executive director\]](#) [commissioner](#) shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. Any person aggrieved by a decision of the [\[executive director\]](#) [commissioner](#) under this subdivision shall have a right of appeal to the Gaming Policy Board for a hearing. Any person aggrieved by a decision of the Gaming Policy Board shall have a right of appeal pursuant to section 4-183.

(4) Whenever the [\[executive director\]](#) [commissioner](#) revokes a permit issued pursuant to this section, he [or she](#) shall not issue any permit to such permittee for one year after the date of such revocation.

Sec. 213. Section 7-169i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No permittee pursuant to section 7-169h, [as amended by this act](#), may use a mechanical or electronic ticket dispensing machine to sell sealed tickets unless such machine is owned in full by the permittee or is rented or purchased from a manufacturer or dealer who is registered with the [\[Division of Special Revenue\]](#) [Department of Consumer Protection](#).

(b) Each applicant for registration as a manufacturer or dealer in sealed ticket dispensing machines shall apply to the [\[executive director\]](#) [commissioner](#) on such forms as the [\[executive director\]](#) [commissioner](#) prescribes. The application [for manufacturer](#) shall be accompanied by an annual fee of [\[six hundred twenty-five\]](#) [one thousand two hundred fifty](#) dollars payable to the State Treasurer. [The application for dealer shall be accompanied by an annual fee of six hundred twenty-five dollars payable to the State Treasurer.](#) Each applicant for initial registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

(c) The [\[Division of Special Revenue\]](#) [Department of Consumer Protection](#) may revoke for

cause any registration issued in accordance with subsection (a) of this section.

(d) The [executive director of the Division of Special Revenue] [commissioner](#) may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 214. Section 7-185b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) As used in this section, "tuition raffle" means a raffle in which the prize is payment of the tuition or part of the tuition at an educational institution for a student recipient designated by the raffle winner.

(b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, any organization qualified to conduct a bazaar or raffle under section 7-172 may conduct a special tuition raffle once each calendar year. The [executive director] [commissioner](#) shall adopt such regulations, in accordance with chapter 54, as are necessary to carry out the provisions of this section. Said regulations shall allow (1) any organization permitted to conduct a special tuition raffle to fund all or a portion of a student recipient's education each year for a period not to exceed four years, (2) permit the student recipient to be the actual tuition raffle winner, a relative of the raffle winner or a student chosen by the raffle winner, (3) give authority to the sponsoring organization to permit the tuition prize to be divided among student recipients designated by the raffle winner, (4) provide that the tuition prize be paid each consecutive year, commencing with the first year of the student recipient's education at an accredited private or parochial school, or public or independent institution of higher education selected by the student recipient, (5) provide that the tuition prize be paid directly to the educational institution designated by the student recipient, and no tuition prize shall be redeemed or redeemable for cash, and (6) provide that the tuition raffle winner have a period not to exceed four years to designate a student recipient.

(c) All proceeds of the special tuition raffle shall be deposited in a special dedicated bank account approved by the [executive director of the Division of Special Revenue] [Commissioner of Consumer Protection](#), and all special tuition raffle expenses shall be paid from such account. The [executive director] [commissioner](#) shall prescribe the maintenance of tuition raffle accounts by any sponsoring organization and such accounts shall be subject to audit by the [executive director] [commissioner](#) or [his] a designee. The [executive director] [commissioner](#) may require any organization conducting a tuition raffle to post a performance bond in an amount sufficient to fully fund the special tuition raffle prize to be awarded.

(d) Any organization permitted to conduct a special tuition raffle shall [, in addition to the verified financial statement required in accordance with section 7-182,] file a tuition raffle financial report in a manner prescribed by the [executive director] [commissioner](#). Such report shall detail the status of the tuition prize money or the raffle and any other information that the [executive director] [commissioner](#) may require, on a quarterly basis, during the months of January, April, July and October, until all tuition payments for each special tuition raffle have been paid.

Sec. 215. (*Effective July 1, 2011*) Not later than January 2, 2012, the Commissioner of Consumer Protection shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and the Department of Consumer Protection concerning (1) the status of the merger of the Department of Consumer Protection and the Division of Special Revenue in accordance with the provisions of this act, and (2) any recommendations for further legislative action concerning such merger.

Sec. 216. Subsection (g) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(g) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for **[one year]** forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) (i) if such person is under twenty-one years of age at the time of the offense, have such person's motor vehicle operator's license or nonresident operating privilege suspended for **[three years]** forty-five days or until the date of such person's twenty-first birthday, whichever is longer, and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the [two-year] three-year period following **[completion of such period of suspension]** such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, or (ii) if such person is twenty-one years of age or older at the time of the offense, have such person's motor vehicle operator's license or nonresident operating privilege suspended for **[one year]** forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the [two-year] three-year period following **[completion of such period of suspension]** such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; and (3) for conviction of a third and subsequent violation within ten years after a prior conviction for the

same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense.

Sec. 217. Subsection (i) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(i) (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of [subparagraph \(C\) of subdivision \(1\) or subparagraph \(C\)\(i\) or \(C\)\(ii\) of subdivision \(2\) of subsection \(g\) of this section](#) to operate a motor vehicle if (A) such person has served the suspension required under said subparagraph, [\[\(C\)\(i\) or \(C\)\(ii\),\] notwithstanding that such person has not completed serving any suspension required under subsection \(i\) of section 14-227b](#), and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person. Except as provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device. (2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. [No court sentencing a person convicted of a violation of subsection \(a\) of this section may waive any fees or costs associated with the installation and maintenance of an ignition interlock device.](#) (3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. The regulations shall establish procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices and for the installation of such devices by any firm approved and authorized by the commissioner [and shall specify acts by persons required to install and use such devices that constitute a failure to comply with the requirements for the installation and use of such devices, the conditions under which such noncompliance will result in an extension of the period during which such persons are restricted to the operation of motor vehicles equipped with such devices and the duration of any such extension. The commissioner shall ensure that such firm provide notice to both the commissioner and the Court Support Services Division of the Judicial Branch whenever a person required to install such device commits a violation with respect to the installation, maintenance or use of such device.](#) (4) The provisions of this subsection shall not be construed to authorize the continued operation of a motor vehicle equipped with an ignition interlock device by any person whose operator's license or nonresident operating privilege is withdrawn, suspended or revoked for any other reason. (5)

The provisions of this subsection shall apply to any person whose license has been suspended in accordance with the provisions of [subparagraph \(C\) of subdivision \(1\) or subparagraph \(C\) \(i\) or \(C\)\(ii\) of subdivision \(2\) of subsection \(g\) of this section](#) on or after [\[September 1, 2003\]](#) [the effective date of this section](#). (6) Whenever a person is permitted by the commissioner under this subsection to operate a motor vehicle if such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, the commissioner shall indicate in the electronic record maintained by the commissioner pertaining to such person's operator's license or driving history that such person is restricted to operating a motor vehicle that is equipped with an ignition interlock device and the duration of such restriction, and shall ensure that such electronic record is accessible by law enforcement officers. Any such person shall pay the commissioner a fee of one hundred dollars prior to the installation of such device. [Nothing in this subsection shall be construed to require the commissioner to verify that each motor vehicle owned by such person has been equipped with such device](#). (7) There is established the ignition interlock administration account which shall be a separate, nonlapsing account in the General Fund. The commissioner shall deposit all fees paid pursuant to subdivision (6) of this subsection in the account. Funds in the account may be used by the commissioner for the administration of this subsection. [\(8\) Notwithstanding any provision of the general statutes to the contrary, upon request of any person convicted of a violation of subsection \(a\) of this section whose operator's license is under suspension on the effective date of this section, the Commissioner of Motor Vehicles may reduce the term of suspension prescribed in subsection \(g\) of this section and place a restriction on the operator's license of such person that restricts the holder of such license to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for the remainder of such prescribed period of suspension](#). (9) [Any person required to install an ignition interlock device under this section shall be supervised by personnel of the Court Support Services Division of the Judicial Branch while such person is subject to probation supervision or by personnel of the Department of Motor Vehicles if such person is not subject to probation supervision, and such person shall be subject to any other terms and conditions as the commissioner may prescribe and any provision of the general statutes or the regulations adopted pursuant to subdivision \(3\) of this subsection not inconsistent herewith](#). (10) [Notwithstanding the periods prescribed in subsection \(g\) of this section and subdivision \(2\) of subsection \(k\) of section 14-111, as amended by this act, during which a person is prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, such periods may be extended in accordance with the regulations adopted pursuant to subdivision \(3\) of this subsection](#).

Sec. 218. Subsection (g) of section 14-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(g) The commissioner may place a restriction on the motor vehicle operator's license of any person or on any special operator's permit issued to any person in accordance with the provisions of section 14-37a that restricts the holder of such license or permit to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for such time as the commissioner shall prescribe, if such person has been: (1) Convicted for a [first or](#) second time of a violation of subdivision (2) of subsection (a) of section

14-227a, and has served not less than [**one year**] [forty-five days](#) of the prescribed period of suspension for such conviction, in accordance with the provisions of subsections (g) and (i) of section 14-227a, [as amended by this act](#); (2) ordered by the Superior Court not to operate any motor vehicle unless it is equipped with an approved ignition interlock device, in accordance with the provisions of section 14-227j; (3) granted a reversal or reduction of such person's license suspension or revocation, in accordance with the provisions of subsection (k) of section 14-111, [as amended by this act](#); (4) issued a motor vehicle operator's license upon the surrender of an operator's license issued by another state and such previously held license contains a restriction to the operation of a motor vehicle equipped with an ignition interlock device; (5) convicted of a violation of section 53a-56b or 53a-60d; or (6) permitted by the commissioner to be issued or to retain an operator's license subject to reporting requirements concerning such person's physical condition, in accordance with the provisions of subsection (e) of this section and sections 14-45a to 14-46g, inclusive.

Sec. 219. Subsection (k) of section 14-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(k) (1) Whenever any person has been convicted of any violation of section 14-110, 14-147, 14-215, 14-222 or 14-224 and such person's license has been suspended by the commissioner or, if such person has had his or her license suspended in accordance with the provisions of section 14-111c or 14-111n, such person may make application to the commissioner for the reversal or reduction of the term of such suspension. Such application shall be in writing and shall state specifically the reasons why such applicant believes that the applicant is entitled to such reversal or reduction. The commissioner shall consider each such application and the applicant's driver control record, as defined in section 14-111h, and may grant a hearing to the applicant in accordance with the provisions of chapter 54 and section 14-4a.

(2) Any person whose license has been revoked in accordance with subparagraph (C) of subdivision (3) of subsection (g) of section 14-227a, [as amended by this act](#), may, at any time after six years from the date of such revocation, request a hearing before the commissioner, conducted in accordance with the provisions of chapter 54, and the provisions of subdivision (1) of this subsection for reversal or reduction of such revocation. The commissioner shall require such person to provide evidence that any reversal or reduction of such revocation shall not endanger the public safety or welfare. Such evidence shall include, but not be limited to, proof that such person has successfully completed an alcohol education and treatment program, and proof that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding six years. The commissioner shall require any person, as a condition of granting such reversal or reduction, to install and maintain an approved ignition interlock device, in accordance with the provisions of subsection (i) of section 14-227a, [as amended by this act](#). The approved ignition interlock device shall be installed and maintained [**from**] [for a period of ten years after](#) the date [of the granting of](#) such reversal or reduction. [**is granted until ten years has passed since the date of such revocation.**] The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to establish standards to implement the provisions of this section.

Sec. 220. Section 14-227k of the general statutes is repealed and the following is substituted in

lieu thereof (*Effective January 1, 2012*):

(a) No person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j or by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, [as amended by this act](#), shall (1) request or solicit another person to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing such person with an operable motor vehicle, or (2) operate any motor vehicle not equipped with a functioning ignition interlock device or any motor vehicle that a court has ordered such person not to operate.

(b) No person shall tamper with, alter or bypass the operation of an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j or by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, [as amended by this act](#).

(c) (1) Any person who violates any provision of [subdivision \(1\) of subsection \(a\)](#) or [subsection \(b\)](#) of this section shall be guilty of a class C misdemeanor.

[\(2\) Any person who violates any provision of subdivision \(2\) of subsection \(a\) of this section shall be subject to the penalties set forth in subsection \(c\) of section 14-215, as amended by this act.](#)

(d) Each court shall report each conviction under subsection (a) or (b) of this section to the Commissioner of Motor Vehicles, in accordance with the provisions of section 14-141. The commissioner shall suspend the motor vehicle operator's license or nonresident operating privilege of the person reported as convicted for a period of one year.

Sec. 221. Subsection (c) of section 14-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(c) (1) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a violation of subsection (a) of section 14-227a or section 53a-56b or 53a-60d or pursuant to section 14-227b, [or in violation of a restriction placed on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection \(i\) of section 14-227a, as amended by this act, or pursuant to an order of the court under subsection \(b\) of section 14-227j](#), shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than one year, and, in the absence of any mitigating circumstances as determined by the court, thirty consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(2) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a second violation of subsection (a) of section 14-227a or section 53a-56b or 53a-60d or for the second time pursuant to section 14-227b, [or in violation of a restriction placed for the](#)

second time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act, or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than two years, and, in the absence of any mitigating circumstances as determined by the court, one hundred twenty consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(3) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a third or subsequent violation of subsection (a) of section 14-227a or section 53a-56b or 53a-60d or for the third or subsequent time pursuant to section 14-227b, or in violation of a restriction placed for the third or subsequent time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a, as amended by this act, or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than three years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced in any manner.

(4) The court shall specifically state in writing for the record the mitigating circumstances, or the absence thereof.

Sec. 222. (*Effective from passage*) Not later than February 1, 2012, the Department of Motor Vehicles and the Court Support Services Division of the Judicial Branch shall jointly develop and submit to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and transportation, in accordance with section 11-4a of the general statutes, an implementation plan for requiring the installation and use of ignition interlock devices beginning January 1, 2014, for all persons who commit a violation of section 14-227a of the general statutes.

Sec. 223. Sections 4d-4, 4d-17, 17a-27c, 28-1b and 46b-123c to 46b-123e, inclusive, of the general statutes are repealed. (*Effective July 1, 2011*)

Sec. 224. Section 14-227f of the general statutes is repealed. (*Effective January 1, 2012*)

Sec. 225. Sections 6 and 7 of public act 09-194 are repealed. (*Effective from passage*)

Approved June 30, 2011