



Legislative Update #39 October 5, 2009

The legislature has finished its work on budget implementation language, and it is now up to the Governor to decide what she will sign and what she will veto.

The last update included the summaries of the Public Health Implementer, S.B. 2051, and the Human Services Implementer, H.B. 7005. H.B. 7005 did pass in the Senate, and those two bills are now on the Governor's desk awaiting her signature.

The other two bills that impact DMHAS or the behavioral health community are H.B. 7006 and H.B. 7007. We have included a summary of relevant sections in this update.

We will let you know the status of all these bills once the Governor has acted on them.

- **H.B. 7006, AN ACT IMPLEMENTING CERTAIN PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT**

Sec. 5 — Sale of Group Homes and Treatment Facilities

The bill extends for two years, through June 30, 2011, the moratorium on the sale, lease, or transfer of state-owned residential facilities housing people with mental retardation. Under current law, the prior moratorium ended on June 30, 2009. And it applies the moratorium to state-operated, community-based residential facilities, boarding houses, group homes, and halfway houses occupied by people with mental retardation, psychiatric disabilities, or alcohol or drug dependency. The bill exempts from the moratorium any state-operated residential property the Department of Developmental Services transferred to private providers before the bill's passage. It continues to exempt state-owned property that was sold, leased, or transferred under an agreement entered into before June 2, 2005. Effective date: Upon passage

Sec. 6— Connecticut Sentencing Commission

The bill creates, within existing budgetary resources, a 23-member Connecticut Sentencing Commission to review the existing criminal sentencing structure and any proposed changes, including existing statutes, proposed legislation, and existing and proposed sentencing policies and practices. It puts the commission within the Office of Policy and Management for administrative purposes only.

The bill sets out a guiding principle for the commission's work and the purposes of sentencing, lists specific duties for the commission, and authorizes the commission to access information held by state and municipal agencies. The bill requires the commission to meet at least once

each quarter and at other times as the chairperson deems necessary. It must make recommendations to the Governor, legislature, and criminal justice agencies and begin submitting annual reports to the Governor, legislature, and Supreme Court Chief Justice by January 15, 2010. The bill authorizes the commission to accept federal grants or private funds for purposes consistent with its duties. Effective date: Upon passage.

Ex-Officio Members: The bill makes the following officials members of the commission with terms co-terminous with their term of office:

1. Board of Pardons and Paroles chairperson;
2. Chief Public Defender;
3. Chief State's Attorney;
4. Commissioners of Correction, Mental Health & Addiction Services, and Public Safety;
5. Undersecretary of OPM's Criminal Justice Policy and Planning Division; and
6. Victim's Advocate.

Appointed Members: The bill requires various authorities to appoint additional members. The following table displays the appointing authority, criteria for the member to be appointed, and the term for each member.

Appointing Authority	Criteria for Member	Term
Supreme Court Chief Justice	Judge	One year
	Judge	Three years
	Representative of the Judicial Branch's Court Support Services Division	Two years
	Active or retired judge	Four years
	None specified	Four years
Chief State's Attorney	State's attorney	Three years
Connecticut Criminal Defense Lawyers Association president	Member of the criminal defense bar	Three years
Connecticut Police Chiefs Association President	Municipal police chief	Two years
Governor	None specified	Four years
Senate President Pro Tempore	None specified	Four years
Senate Majority Leader	None specified	Four years
Senate Minority Leader	None specified	Four years
House Speaker	None specified	Four years
House Majority Leader	None specified	Four years
House Minority Leader	None specified	Four years

Reappointments and Vacancies: Under the bill, appointed members may be reappointed and any vacancy is filled by the appointing authority for the unexpired portion of the term.

Chairperson and Vice-Chairperson: The bill makes the active or retired judge appointed by the Supreme Court Chief Justice the commission's chairperson. The commission must elect a vice-chairperson from its members.

Guiding Principle and Purpose of Sentencing: The bill sets a general principle that the commission must consider in its work, i.e., that sentencing's primary purpose is to enhance public safety, while holding the offender accountable to the community. In addition, it states that sentencing should:

1. Reflect the seriousness of the offense;
2. Be proportional to the harm to victims and the community;
3. Use the most appropriate sanctions available, including prison, community punishment, and supervision;
4. Have an overriding goal of reducing criminal activity, imposing just punishment, and providing meaningful and effective rehabilitation and reintegration of the offender; and
5. Be fair, just, and equitable while promoting respect for the law.

Commission's Duties: The bill requires the commission to:

1. Facilitate development and maintenance of a statewide sentencing database in collaboration with existing state and local agencies, use existing state databases or resources where appropriate, and, when the database is completed, review criminal justice legislation on request, within resources;
2. Evaluate current sentencing statutes, policies, and practices and conduct a cost-benefit analysis;
3. Analyze and study sentencing trends and prepare offender profiles;
4. Provide training on sentencing and related issues, policies, and practices;
5. Act as a sentencing policy resource for the state;
6. Preserve judicial discretion and provide for individualized sentencing;
7. Evaluate the impact of pretrial sentencing diversion, incarceration, and post-release supervision programs;
8. Perform fiscal impact analyses on selected proposed criminal justice legislation;
9. Identify potential areas of sentencing disparity relevant to racial, ethnic, gender, and socioeconomic status; and
10. Make recommendations for criminal justice legislation to the Judiciary Committee, which must hold a hearing on them.

Information: The bill requires the commission to have access to confidential information received by sentencing courts and the Board of Pardons and Paroles that includes arrest data, criminal history records, medical records, and other non-conviction information. It requires the commission to obtain full and complete information on state programs, activities, and operations relating to the state's criminal sentencing structure. The bill allows the commission to ask any state or municipal subdivision office, department, board, commission, or agency to provide records, information, and assistance needed or appropriate to carry out the commission's duties.

The bill authorizes and directs the officers and employees of those entities to cooperate with the commission and to furnish requested records, information, and assistance. The bill provides that any record or information given to the commission that is confidential under the statutes remains

confidential while in the commission's custody and cannot be disclosed. Any penalty that applies to the officials, employees, and authorized representatives that give the records to the commission also applies in the same way to the commission's members, staff, and authorized representatives. The bill makes the commission a "criminal justice agency" for purposes of access to criminal history record information of state agencies and subjects the commission to the same security and privacy provisions as the other criminal justice agencies.

Background — Sentencing Task Force:

- Public Act 06-193 created a Connecticut Sentencing Task Force to review the state's criminal justice and sentencing policies and laws to create a more just, effective, and efficient system of sentencing.
- Public Act 08-143 required the task force to recommend whether to establish a permanent sentencing commission and, if so, the permanent commission's mission, duties, membership, and procedures. The task force's January 7, 2009 report recommended creation of a permanent sentencing commission.

- **H.B. 7007, AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT AND MAKING CHANGES TO VARIOUS PROGRAMS.**

Sec. 9— Non-Appropriated Agency Funds:

The bill requires the OPM Secretary, by November 15, 2010, and annually thereafter, to submit to the Appropriations and Finance, Revenue and Bonding committees a summary in electronic database format of all non-appropriated moneys held by each budgeted agency for the biennium commencing July 1, 2011, and each biennium thereafter. The summary must be an accounting of moneys received or held by the agency at the end of the last-completed fiscal year that are authorized or received in any way other than as an appropriation. The summary must be in a form consistent with accepted accounting practices.

Sec. 10 — Agency Reports to Office of Fiscal Analysis (OFA): The bill expands the information that the administrative heads of budgeted agencies must transmit to OFA. Under current law, they must submit the agency's monthly financial status and personnel status reports. The bill additionally requires them to transmit a non-appropriated-moneys' status report that accounts for moneys received or held by the agency that were received or authorized by means other than appropriations. The accounting must include an assessment of any agency fund or account receiving or holding such money. The assessment must, at a minimum, account for all expenditures, encumbrances, reimbursements, and revenues. Under current law, budgeted agencies must transmit revenue and expenditure estimates to OFA in addition to the requirements described above. If they do not, the OPM Secretary must cause the estimates to be prepared for them. The bill extends the OPM requirement to the status reports. Effective date: Upon passage.

Sec. 18 — Convert State Employee Health Plan to Self-Insurance: By law, the Comptroller solicits bids and enters into contracts with insurance carriers to provide health insurance for state employees and retirees. The bill requires the Comptroller to begin the process of converting the

state employee health insurance plans, including pharmacy benefits (but excluding dental benefits), to a self-insured arrangement for benefit periods beginning July 1, 2010 and later. (Under an agreement between the state and a coalition of state employee unions, the state began self-insuring pharmacy benefits July 1, 2008.) The bill authorizes the Comptroller to contract with companies to provide administrative services for the self-insured state plan. Under the bill, the state's contract for administrative services must require the insurer to charge the state its lowest available rate. Effective date: Upon passage.

Sec. 20 — Next Steps Initiative: The bill authorizes funds to: (1) provide rental assistance and services for the Next Steps Initiative's Round 3 development projects and (2) pay for debt service on the bonds issued to finance the projects. Specifically, the bill authorizes for Round 3 development projects of the Next Step Initiative up to:

1. \$264,000 of the funds appropriated to the Department of Social Services (DSS) during the current biennium under Public Act 09-3 (June Special Session) for Homeless/Housing Services;
2. \$510,000 in FY 10 and \$1 million in FY 11 of the funds appropriated to the Department of Mental Health and Addiction Services (DMHAS) under Public Act 09-3 (June Special Session) for Housing Supports and Services; and
3. \$1 million of the funds appropriated to the treasurer to pay debt service under Public Act 09-3 (June Special Session) during the current biennium.

The bill requires any of these authorized funds that are not used for Round 3 to be used for other rental assistance and services for new scattered site supportive housing. By law, the Next Step Initiative provides affordable housing and support services for people and families affected by psychiatric disabilities and chemical dependency who are homeless or risk homelessness, and for supervised ex-offenders with serious mental health needs, among others. The law allows the state to provide the Connecticut Housing Finance Authority (CHFA) state funds to pay debt service on bonds it issued for mortgage loans under the Next Step Initiative. Round 3 was authorized under Public Act 08-123. Effective date: Upon passage.

Sec. 42 — Consolidating Prisoner Transportation: The bill requires the DOC Commissioner and Chief Court Administrator, in consultation with the OPM Secretary, to develop a plan to consolidate inmate transportation services currently provided by DOC and the Judicial Branch. The Commissioner and Chief Court Administrator must report to the Appropriations and Judiciary Committees by January 1, 2010 on the level of transportation services provided and their cost before and after the proposed consolidation. Effective date: Upon passage.

Sec. 49— Commission on Enhancing Agency Outcomes: The bill expands the membership of the Commission on Enhancing Agency Outcomes created by Public Act 09-2 by adding the chairpersons of the Legislative Program Review and Investigations Committee or their designees. Currently, the chairpersons and ranking members of the Appropriations Committee serve on the commission. The bill permits the committee chairpersons to be represented by designees, but not the ranking members. Currently, the commission charge includes consideration of the merging of state agencies including, specifically, (1) the Department of Mental Health and Addiction Services and the Department of Social Services and (2) the Connecticut Commission on Culture and Tourism, portions of the Office of Workforce Competitiveness, and the Department of Economic and Community Development. This bill: (1) eliminates these references to specific agencies in the commission's charge to consider the

merging of state agencies and (2) adds consideration of streamlining state operations to its charge.

The bill also (1) requires the Legislative Program Review and Investigations Committee, as it determines and within existing budgetary resources, to assist the commission and (2) extends and revises the commission's reporting requirements. Currently, the commission has to submit a report of its findings and recommendations to the Governor, the House Speaker, and the Senate President by July 1, 2009, and the commission terminates no later than that date. The bill, instead, gives the commission until February 1, 2010 to submit an initial report identifying subjects for further study, and until December 31, 2010 to submit a full report on its findings and recommendations. It allows the commission to continue in existence until December 31, 2011. Effective date: Upon passage.

Sec. 58 — Repeal Transfer of Department of Mental Health and Addiction Services'

Funds: The bill eliminates the requirement in PA 09-3 (June Special Session) that \$125,000 available to the Department of Mental Health and Addiction Services for the Pretrial Substance Abuse Program be made available to the RYASAP Regional Access Council in Bridgeport in both FY 10 and 11. PA 09-3 (June Special Session) makes a similar allocation to the Regional Youth/Adult Substance Abuse Project in Bridgeport. Effective date: Upon passage.

Sec. 63 — Testing Energy Technologies in State Agencies: The bill allows the OPM Secretary, under his energy-related powers, to direct a state agency to test technologies, products, or processes that he finds would promote energy conservation or efficiency or renewable energy in order to validate their effectiveness. Agencies cannot undertake this testing unless the business manufacturing or marketing the technology, product, or process demonstrates: (1) the agency's use of it will not harm safety, (2) a certified, independent third party or accredited laboratory has found it reduces energy consumption and cost, and (3) it is either commercially available or will be within two years after the testing is completed. If the Secretary finds that using the technology, product, or process is feasible and will not harm the agency's operations, he can direct an agency to undertake the testing program without going through state purchasing law. The bill specifies that the acquisition under the testing program is not a purchase under this law. The manufacturer or marketer, or an investor or participant in the business must (1) pay the cost of acquiring and testing the technology or product and (2) maintain records as required by OPM. Proprietary information derived from the testing is exempt from the Freedom of Information Act. If the Secretary determines that the testing sufficiently demonstrates that the technology reduces energy use, fossil fuel dependence, or greenhouse gas emissions, the agency may request that the Department of Administrative Services waive competitive bidding or negotiation requirements to procure the technology for any or all state agencies. Effective date: Upon passage.

Sec. 69-93, 104 & 113 — Raising the Age of Juvenile Court Jurisdiction: This bill:

1. Raises the maximum age for juvenile court jurisdiction from age 15 to age 16 starting January -, 2010;
2. Raises the age from 16 to 17 on July 1, 2012;
3. Consistent with the phase-in of the raise-the-age provisions, delays the repeal of the Youth in Crisis law from January 1, 2010 to January 1, 2012 and restricts eligibility to youths age 17 beginning in 2010, rather than those age 16 and 17;
4. Revises the definition of "delinquent act;"

5. Eliminates juvenile court jurisdiction over matters involving emancipated minors who are, under the bill, under age 17 as of January 1, 2010 and under age 18 on and after July 1, 2012;
 6. Allows police officers to release an arrested child into the child's own custody and makes it a delinquent act for a child that has been released into his or her own custody to willfully fail to appear in court;
 7. Modifies rules for the admissibility of children's confessions;
 8. Limits the use of pretrial detention, but adds violating conditions of a suspended detention order as a basis for detaining a child;
 9. Modifies and expands vocational probation options;
 10. Requires the Education Commissioner's annual report to the legislature to include information about referrals and diversions of 16-year-olds from the court system to youth service bureaus;
 11. Transfers some functions from the Judicial Branch's Court Support Services Division to the entire Judicial Branch and authorizes the Chief Court Administrator to issue bids to contract for space or services for juveniles;
 12. Expands the availability of record erasure for children (a) convicted as delinquent or (b) adjudicated as a child in a family with service needs (FWSN – truants, runaways, or children beyond control of parents or school officials) but delays, from 16 to 17, the age children must reach before becoming entitled to court consideration of an erasure petition;
 13. Revives the Juvenile Jurisdiction Policy and Operations Coordinating Council; and
 14. Transfers funds from the Judicial Branch to DCF.
- It also makes conforming and technical changes.

The effective date is January 1, 2010, except that the provisions extending juvenile court jurisdiction to 17-year-olds, the repeal of the Youth in Crisis law, and the provision raising the age for emancipation are effective July 1, 2012, and the provisions concerning the expansion of Judicial Branch responsibilities, contract bidding, fund transfers, and the juvenile coordinating council are effective upon passage.

Sec. 69 & 82 — Delinquency: In the case of children under age 16, current law covers federal, state, and municipal or local ordinance violations other than ordinances regulating the conduct of FWSN children. Legislation enacted in 2007 eliminated juvenile court jurisdiction over municipal or local ordinance violations beginning January 1, 2010. The bill allows children under age 16 to be convicted as delinquent if they:

1. Violate any federal or state law or municipal or local ordinance other than an ordinance regulating the behavior of a FWSN child;
2. Willfully fail to appear in court in response to a summons or at any other court hearing of which they had notice;
3. Violate a court order, except an order directed at a FWSN child; or
4. Violate court-ordered conditions of probation.

Beginning July 1, 2012 children under age 17 will be included in this definition and will also qualify for the FWSN program. Currently, they qualify for the Youth in Crisis Program, which offers fewer services and is repealed July 1, 2012.

Children Age 16. Under the bill, beginning January 1, 2010, 16-year-olds may be convicted as delinquent for any of the above reasons, except for (1) infractions, (2) violations, (3) motor vehicle offenses or violations, or (4) municipal ordinance violations. The bill also makes children

under age 17 eligible to participate in the FWSN program. Currently, the program is open only to children under age 16.

Sec. 72 — Releasing Children into Their Own Custody: Currently, police officers can either release children who have been arrested into the custody of a parent, guardian, suitable person, or agency or turn them over to a juvenile detention center. The bill also allows the police to release a child into the child's own custody with a promise to appear in court at a later date. When the police do so, the bill requires that they make reasonable efforts to serve a written complaint and summons on the parent, guardian, suitable person, or agency before the court date listed on the child's summons. It makes it a delinquent act for a child to willfully fail to appear in court in response to the summons or promise to appear, and authorizes the court to order the child taken into custody.

Sec.75— Juvenile Confessions: Under current law, confessions, statements, and admissions made by children are not admissible in delinquency proceedings unless the child and a parent or the child and his or her guardian have been advised of his or her constitutional rights and a parent is present. Under the bill, they may be used against children under age 16 if the police or Juvenile Court officer made reasonable efforts to contact a parent, and the child has been advised of his or her legal rights, including the right to have a parent present during any interview. Under the bill, admissibility of statements, confessions, and admissions of 16-year-olds, whether or not their parents were present, must be determined —taking into consideration the totality of circumstances at the time the admission, confession, or statement made. The court must consider:

1. The child's age, experience, education, background, and intelligence;
2. Whether he or she had the capacity to understand (a) the advice concerning rights and warnings he or she was given, the nature of the constitutional privilege against self-incrimination, and the consequences of waiving his or her rights or privileges;
3. Whether the child had the opportunity to speak with a parent, guardian, or some other suitable individual before making the admission, confession, or statement; and
4. The circumstances surrounding the making of the admission, confession, or statement, including (a) when and where it was made, (b) the reasonableness of proceeding, or the need to proceed, without a parent or guardian present, and (c) the reasonableness of efforts by the police or juvenile court official to attempt to contact a parent or guardian.

The bill does not set a standard for admitting confessions given by 17-year-olds.

Sec. 72 — Pretrial Detention: Currently, a court may order pretrial detention when it finds probable cause to believe that the arrested child committed the offense charged and there is:

1. A strong probability that he or she will run away or commit or attempt to commit other offenses before the court hearing or disposition,
2. Probable cause to believe that the child's continued residence at home will not safeguard the child's or community's best interest because of the serious and dangerous nature of the acts he or she is accused of committing;
3. A need to hold the child to assure his or her appearance before the court in view of previous failure to respond to court process, or
4. A need to hold the child for another jurisdiction.

The bill specifies that placement in pretrial detention is permissible only when it is the least restrictive placement option available. It makes violating a condition of a suspended detention

order a new ground for ordering pretrial detention, and it requires courts to find that those held because of the serious nature of the charges pose a risk to themselves or the community, rather than that release will not safeguard the best interests of the child or community. Under current law, detention supervisors may release children to the custody of their parent(s) or other suitable person or agency's custody unless the child has been arrested for a serious juvenile offense. The bill precludes pretrial release when an order not to release is noted on the take-into-custody order, arrest warrant, or order to detain.

Sec. 76 — Expanding Conditions of Juvenile Probation: Current law allows juvenile court judges to place delinquent or FWSN children on vocational probation if they are at least 14 years old and would not benefit from continued school attendance. Instead, the bill allows judges to order work-study or employment with or without continued school attendance as a condition of probation or supervision for these individuals.

Sec. 77 — Erasing Juvenile Court Records: Under current law, Superior Court judges must grant petitions to erase police and court records concerning delinquent or FWSN children who:

1. Are at least 18 years old;
2. Have been discharged from court or Department of Children and Families' custody or supervision for at least two years (four years if convicted of a serious juvenile offense);
3. Have no pending juvenile or adult criminal proceeding; and
4. Since discharge, have not been convicted (a) of a felony, misdemeanor, or delinquent act that would constitute a felony or misdemeanor if committed by an adult or (b) as an adult.

The bill also authorizes courts to hold hearings and grant record erasure petitions earlier for good cause.

Sec. 92-93 — Transferring Functions from the Court Support Services Division to the Entire Judicial Branch: Currently, the Judicial Branch's CSSD is responsible for developing programs to prevent and reduce the frequency of delinquency and crime. The bill makes this the responsibility of the entire Judicial Branch. It makes the same change for (1) contracting to establish residential and non-residential facilities for court-referred children and (2) consulting with the Commission on Racial and Ethnic Disparity about the needs of minorities in the juvenile justice system.

Sec. 104 — Fund Transfers Associated with the Raise the Age Provisions: For FY 2010, the bill transfers \$2,555,012 currently appropriated to the Judicial Branch for Youthful Offender Services to DCF for Residential Board and Care. For FY 2011, the bill transfers \$5,299,000 from the Judicial Branch for the same purpose.

Sec. 113 — Reviving Juvenile Jurisdiction Policy and Operations Coordinating Council: The Juvenile Jurisdiction Policy and Operations Coordinating Council is composed of state officials, legislators, and others with expertise in juvenile justice issues. Its duties include monitoring the implementation of changes required in the juvenile justice system to expand jurisdiction to include 16- and 17-year-olds. On January 1, 2009 it submitted its final report and recommendations to the Governor and the Appropriations, Children's, Human Services, and Judiciary committees. Under the bill, it must submit a second report by January 1, 2011 to the same entities. The report must contain the council's recommendations concerning the implementation of changes required in the juvenile justice system to expand juvenile jurisdiction to include 16- and 17-year-olds.

Sec. 107 — “Medically Necessary” Definition under Medicaid: The bill requires the Department of Social Services (DSS), by July 1, 2010, to amend the definition of “medically necessary” services in its Medicaid regulations to reflect savings in the current biennial budget by reducing program administration inefficiencies while maintaining the quality of care provided to Medicaid beneficiaries. (Public Act 09-3 already requires DSS to do this.) The bill allows the DSS Commissioner to implement policies and procedures using this amended definition to achieve the purposes of this section while in the process of adopting the definition in regulation. He must print notice of intent to publish the regulations in the Connecticut Law Journal within 45 days of implementing them. The policies and procedures are valid until final regulations are adopted. (Public Act 09-3 already allows DSS to do this.)

Medical Inefficiency Committee: The bill also establishes a committee identical in composition and responsibilities to that created under PA 09-3 with a different name: the Medical Inefficiency Committee. This committee must (1) advise DSS on the amended definition and its implementation and (2) to provide comment to DSS and the legislature on its impact.

Membership and Administration: The committee consists of 11 members appointed as follows: three by the Governor, two each by the House Speaker and Senate President Pro Tempore, and one each appointed by the House and Senate Majority and Minority Leaders. Appointments must be made within 30 days of the bill's passage. Vacancies must be filled by the appointing authority, but those unfilled longer than 60 days may be filled by a joint appointment of the House Speaker and Senate President Pro Tempore. The bill requires the House Speaker and Senate President Pro Tempore to select the committee chairpersons from among its members and requires the chairpersons to schedule the first committee meeting within 60 days of the bill's passage. Human Services Committee staff serve as the oversight committee's administrative staff.

Reporting Requirements: The bill requires the committee to submit annual reports on its findings and recommendations for three years beginning by January 1, 2010. The reports go to the Governor and the Public Health, Human Services, and Appropriations Committees. The bill terminates the committee on the date it submits its third report or January 1, 2012, whichever is later.

Sec. 118 — Sex Offenders in Homeless Shelters. The bill prohibits shelters serving homeless families from providing residence to sex offenders listed on the sex offender registry. It requires state-funded homeless shelters that provide residence to these offenders to verify their address upon the request of law enforcement officers. It requires shelter operating policies to establish a procedure for releasing this information to these officers. By law, the sex offender registry maintains and disseminates information on people convicted or found not guilty by reason of mental disease or defect of (1) criminal offenses against victims who are minors, (2) nonviolent sexual offenses, (3) sexually violent offenses, and (4) felonies committed for a sexual purpose. The registry includes information on these offenders regardless of whether they are registered. Effective date: Upon passage.

Sec. 139 & 141 — State Properties Review Board (SPRB): The bill transfers the SPRB to the Department of Administrative Services (DAS), but specifies that it has independent decision-making authority. Under current law, the SPRB is an independent body within the executive branch. The bill specifically eliminates SPRB's authority to hire personnel, including a secretary

or clerk, and requires DAS to pay its reasonable expenses. The bill also makes conforming changes with respect to the board. Effective date: Upon passage.

Sec. 153 — Commission on Human Rights and Opportunities' Training: The bill requires each member of Commission on Human Rights and Opportunities (CHRO) to receive at least 10 hours of introductory training within two months of his or her appointment and before voting on any CHRO matter. A member who does not comply with this requirement within six months of his or her appointment is considered to have resigned from the commission. Each year thereafter, the member must receive five hours of follow-up training. Both types of training must cover the laws governing discrimination in employment, housing, public accommodation and credit, affirmative action, and CHRO procedures. The managing director of CHRO's legal division must organize the training. The bill eliminates the CHRO Executive Director's authority to appoint up to two hearing adjudicators to conduct hearing conferences, decide preliminary matters, and supervise settlement negotiations. There are currently no hearing adjudicators within CHRO. Public Act 98-245 changed the title of the employees charged with hearing discrimination cases from "hearing adjudicators" to "human rights referees." Effective date: Upon passage.

Sec. 154 — Human Rights Referees: The bill reduces the number of human rights referees over the next approximately two years. On the date the bill passes, the number is reduced from seven to five. They serve until (1) the term they were appointed to fill expires or July 1, 2011, whichever is earlier, and (2) a successor is appointed and qualified. The Governor fills any vacancies with the advice and consent of the General Assembly to serve until July 1, 2011. Beginning July 1, 2011, the number of referees is reduced from five to three. Just as under current law, the Governor appoints them with the advice and consent of the General Assembly to serve a three-year term. The Governor may remove any of the referees for cause. Effective date: Upon passage.

Sec. 155 — Task Force on Division of Administrative Hearings. The bill establishes a 24-member task force to develop recommendations for establishing within the CHRO a Division of Administrative Hearings that would conduct impartial hearings on contested cases brought by or before the departments of Children and Families, Transportation, and Motor Vehicles; CHRO itself; and the Board of Firearms Permit Examiners.

The task force members consist of:

1. The chairs and ranking members of the Government Administration and Elections, Human Services, Judiciary, and Transportation committees, or their designees;
2. The commissioners of Children and Families, Transportation, and Motor Vehicles or their designees;
3. The CHRO Executive Director or his designee;
4. A Board of Firearms Permit Examiners' member;
5. A member of the Connecticut Bar Association designated by the Association's president;
6. A member of the Permanent Commission on the Status of Women appointed by the Senate President Pro Tempore; and
7. A legislator with recognized leadership on issues of particular concern to racial minorities in the state appointed by the House Speaker or the legislator's designee.

The taskforce has three chairpersons; two selected jointly by the House Speaker and Senate President Pro Tempore from among the task force members and the OPM Secretary or his designee.

The task force must make recommendations to the General Assembly by February 1, 2010 on:

1. The viability of placing the division within CHRO;
 2. The scope of matters it will hear;
 3. Any federal considerations or restrictions, including funding issues related to hearing cases from the departments of Motor Vehicles, Transportation, and Children and Families;
 4. The need to train administrative law adjudicators (ALA) in all matters and areas of the law to be heard by the division;
 5. The requisite number of ALAs necessary to hear matters assigned to the division and the concomitant level of support staff;
 6. Procedures for appointing the chief ALA;
 7. The transfer of state agency affirmative action plan responsibilities from the CHRO to DAS; and
 8. The transfer of contractor affirmative action plan compliance responsibilities from CHRO to the Office of the Attorney General.
- Effective date: Upon passage.

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