



House Bill No. 5597

Public Act No. 14-217

***AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET
FOR THE FISCAL YEAR ENDING JUNE 30, 2015.***

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

Section 1. (NEW) (*Effective from passage*) As used in this section and section 2 of this act:

(1) "Knowing" and "knowingly" means that a person, with respect to information: (A) Has actual knowledge of the information; (B) acts in deliberate ignorance of the truth or falsity of the information; or (C) acts in reckless disregard of the truth or falsity of the information, without regard to whether the person intends to defraud;

(2) "Claim" (A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the state has title to the money or property, that (i) is presented to an officer, employee or agent of the state, or (ii) is made to a contractor, grantee or other recipient, if the money or property is to be spent or used on the state's behalf or to advance a state program or interest, and if the state provides or has provided any portion of the money or property that is requested or demanded, or if the state will reimburse such contractor, grantee or other recipient for any portion of the money or property that is requested or demanded, and (B) does not

House Bill No. 5597

include a request or demand for money or property that the state has paid to an individual as compensation for state employment or as an income subsidy with no restrictions on that individual's use of the money or property;

(3) "Person" means any natural person, corporation, limited liability company, firm, association, organization, partnership, business, trust or other legal entity;

(4) "State" means the state of Connecticut, any agency or department of the state or any quasi-public agency, as defined in section 1-120 of the general statutes;

(5) "Obligation" means an established duty, whether fixed or not, arising from (A) an express or implied contractual, grantor-grantee or licensor-licensee relationship, (B) a fee-based or similar relationship, (C) statute or regulation, or (D) the retention of an overpayment;

(6) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property; and

(7) "State-administered health or human services program" means programs administered by any of the following: The Department on Aging, the Department of Children and Families, the Department of Developmental Services, the Department of Mental Health and Addiction Services, the Department of Public Health, the Department of Rehabilitation Services, the Department of Social Services, the Office of Early Childhood, and the Office of the State Comptroller, for the State Employee and Retiree Health programs, as well as other health care programs administered by the Office of the State Comptroller, and the Department of Administrative Services, for Workers' Compensation medical claims, including such programs reimbursed in whole or in part by the federal government.

House Bill No. 5597

Sec. 2. (NEW) (*Effective from passage*) (a) No person shall:

(1) Knowingly present, or cause to be presented, a false or fraudulent claim for payment or approval under a state-administered health or human services program;

(2) Knowingly make, use or cause to be made or used, a false record or statement material to a false or fraudulent claim under a state-administered health or human services program;

(3) Conspire to commit a violation of this section;

(4) Having possession, custody or control of property or money used, or to be used, by the state relative to a state-administered health or human services program, knowingly deliver, or cause to be delivered, less property than the amount for which the person receives a certificate or receipt;

(5) Being authorized to make or deliver a document certifying receipt of property used, or to be used, by the state relative to a state-administered health or human services program and intending to defraud the state, make or deliver such document without completely knowing that the information on the document is true;

(6) Knowingly buy, or receive as a pledge of an obligation or debt, public property from an officer or employee of the state relative to a state-administered health or human services program, who lawfully may not sell or pledge the property;

(7) Knowingly make, use or cause to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state under a state-administered health or human services program; or

(8) Knowingly conceal or knowingly and improperly avoid or

House Bill No. 5597

decrease an obligation to pay or transmit money or property to the state under a state-administered health or human services program.

(b) Any person who violates the provisions of subsection (a) of this section shall be liable to the state for: (1) A civil penalty of not less than five thousand five hundred dollars or more than eleven thousand dollars, or as adjusted from time to time by the federal Civil Penalties Inflation Adjustment Act of 1990, 28 USC 2461, (2) three times the amount of damages that the state sustains because of the act of that person, and (3) the costs of investigation and prosecution of such violation. Liability under this section shall be joint and several for any violation of this section committed by two or more persons.

(c) Notwithstanding the provisions of subsection (b) of this section concerning treble damages, if the court finds that: (1) A person committing a violation of subsection (a) of this section furnished officials of the state responsible for investigating false claims violations with all information known to such person about the violation not later than thirty days after the date on which the person first obtained the information; (2) such person fully cooperated with an investigation by the state of such violation; and (3) at the time such person furnished the state with the information about the violation, no criminal prosecution, civil action or administrative action had commenced under sections 3 to 7, inclusive, of this act with respect to such violation, and such person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than two times the amount of damages which the state sustains because of the act of such person. Any information furnished pursuant to this subsection shall be exempt from disclosure under section 1-210 of the general statutes.

Sec. 3. (NEW) (*Effective from passage*) The Attorney General may investigate any violation of subsection (a) of section 2 of this act. Any information obtained pursuant to such an investigation shall be

House Bill No. 5597

exempt from disclosure under section 1-210 of the general statutes. If the Attorney General finds that a person has violated or is violating any provision of subsection (a) of section 2 of this act, the Attorney General may bring a civil action in the superior court for the judicial district of Hartford under this section in the name of the state against such person.

Sec. 4. (NEW) (*Effective from passage*) (a) A person may bring a civil action in the superior court for the judicial district of Hartford against any person who violates subsection (a) of section 2 of this act, for the person who brings the action and for the state. Such civil action shall be brought in the name of the state. The action may thereafter be withdrawn only if the court and the Attorney General give written consent to the withdrawing of such action and their reasons for consenting.

(b) A copy of the complaint and written disclosure of substantially all material evidence and information the person who brings such action possesses shall be served on the state by serving the Attorney General in the manner prescribed in section 52-64 of the general statutes. The complaint shall be filed in camera, shall remain under seal for at least sixty days and shall not be served on the defendant until the court so orders. The court, upon motion of the Attorney General, may, for good cause shown, extend the time during which the complaint remains under seal. Such motion may be supported by affidavits or other submissions in camera. Prior to the expiration of the time during which the complaint remains under seal, the Attorney General shall: (1) Proceed with the action in which case the action shall be conducted by the Attorney General, or (2) notify the court that the Attorney General declines to take over the action in which case the person bringing the action shall have the right to conduct the action.

(c) If the court orders the complaint to be unsealed and served, the court shall issue an appropriate order of notice requiring the same

House Bill No. 5597

notice that is ordinarily required to commence a civil action. The defendant shall not be required to respond to any complaint filed under this section until thirty days after the complaint is served upon the defendant.

(d) If a person brings an action under this section, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.

Sec. 5. (NEW) (*Effective from passage*) (a) If the Attorney General, pursuant to section 4 of this act, elects to proceed with the action, the Attorney General shall have the primary responsibility for prosecuting the action and shall not be bound by any act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in this section.

(b) The Attorney General may withdraw such action notwithstanding the objections of the person bringing the action if the Attorney General has notified such person of the filing of the motion and the court has provided such person with an opportunity for a hearing on the motion.

(c) The Attorney General may settle the action with the defendant notwithstanding the objections of the person bringing the action if the court determines, after a hearing, that the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(d) Upon a showing by (1) the Attorney General that unrestricted participation during the course of the litigation by the person bringing the action would (A) interfere with or unduly delay the Attorney General's prosecution of the case, or (B) be repetitious, irrelevant or for purposes of harassment; or (2) the defendant that unrestricted participation during the course of the litigation by the person bringing

House Bill No. 5597

the action would be for purposes of harassment, or would cause the defendant undue burden or unnecessary expense, the court may, in its discretion, impose limitations on the person's participation, including, but not limited to, (i) limiting the number of witnesses that such person may call, (ii) limiting the length of the testimony of any such witnesses, (iii) limiting the person's cross-examination of any such witnesses, or (iv) otherwise limiting the participation by the person in the litigation.

(e) If the court awards civil penalties or damages to the state or if the Attorney General settles with the defendant and receives civil penalties or damages, the person bringing such action shall receive from the proceeds not less than fifteen per cent but not more than twenty-five per cent of such proceeds of the action or settlement of the claim, based upon the extent to which the person substantially contributed to the prosecution of the action. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees and costs shall be awarded against the defendant.

(f) Notwithstanding the provisions of subsection (e) of this section, where the action is one that the court finds to be based primarily on disclosures of specific information that was not provided by the person bringing the action relating to allegations or transactions (1) in a criminal, civil or administrative hearing, (2) in a report, hearing, audit or investigation conducted by the General Assembly, a committee of the General Assembly, the Auditors of Public Accounts, a state agency or a quasi-public agency, or (3) from the news media, the court may award from such proceeds to the person bringing the action such sums as it considers appropriate, but in no case more than ten per cent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to

House Bill No. 5597

litigation. Any such person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees and costs shall be awarded against the defendant.

Sec. 6. (NEW) (*Effective from passage*) (a) If the Attorney General declines to proceed with the action, the person who brought the action shall have the right to conduct the action. In the event that the Attorney General declines to proceed with the action, upon the request of the Attorney General, the court shall order that copies of all pleadings filed in the action and copies of any deposition transcripts be provided to the state. When the person who brought the action proceeds with the action, the court, without limiting the status and rights of such person, may permit the Attorney General to intervene at a later date upon a showing of good cause.

(b) A person bringing an action under this section or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five per cent or more than thirty per cent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees and costs shall be awarded against the defendant.

(c) If a defendant prevails in the action conducted under this section and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious or brought primarily for purposes of harassment, the court may award reasonable attorneys' fees and expenses to the defendant.

(d) Irrespective of whether the Attorney General proceeds with the action, upon request and showing by the Attorney General that certain

House Bill No. 5597

motions or requests for discovery by a person bringing the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days from the date of the order of the stay. Such a showing shall be conducted in camera. The court may extend the stay for an additional sixty-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings. For the purposes of this subsection, the Chief State's Attorney or state's attorney for the appropriate judicial district may appear to explain to the court the potential impact of such discovery on a pending criminal investigation or prosecution.

Sec. 7. (NEW) (*Effective from passage*) Notwithstanding the provisions of section 4 of this act, the Attorney General may elect to pursue the state's claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, the person bringing the action shall have the same rights in such proceeding as such person would have had if the action had continued under the provisions of sections 4 to 6, inclusive, of this act. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under sections 4 to 6, inclusive, of this act. A finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the state, if the time for filing such an appeal with respect to the finding or conclusion has expired or if the finding or conclusion is not subject to judicial review.

Sec. 8. (NEW) (*Effective from passage*) Notwithstanding the provisions of sections 5 and 6 of this act, if the court finds that the action was

House Bill No. 5597

brought by a person who planned and initiated the violation of subsection (a) of section 2 of this act, upon which violation an action was brought, then the court may reduce the share of the proceeds of the action that the person would otherwise receive under section 5 or 6 of this act, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If a person bringing the action is convicted of criminal conduct arising from his or her role in the violation of subsection (a) of section 2 of this act, such person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the Attorney General to continue the action.

Sec. 9. (NEW) (*Effective from passage*) (a) No court shall have jurisdiction over an action brought under section 4 of this act (1) against a member of the General Assembly, a member of the judiciary or an elected officer or department head of the state if the action is based on evidence or information known to the state when the action was brought; or (2) that is based upon allegations or transactions that are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party.

(b) Unless opposed by the state, the court shall dismiss an action or claim brought under section 4 of this act if allegations or transactions that are substantially the same as those alleged in the action or claim were publicly disclosed (1) in a state criminal, civil or administrative hearing in which the state or its agent is a party, (2) in a report, hearing, audit or investigation conducted by the General Assembly, a committee of the General Assembly, the Auditors of Public Accounts, a state agency or quasi-public agency, or (3) by the news media, except the court shall not dismiss such action or claim if the action or claim is brought by the Attorney General or the person who is an original source of information.

House Bill No. 5597

(c) For purposes of this section, "original source" means an individual who (1) voluntarily discloses to the state information on which the allegations or transactions in an action or claim are based, prior to public disclosure of such information as described in subdivisions (1), (2) and (3) of subsection (b) of this section, or (2) has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions and has voluntarily provided the information to the state before filing an action or claim under sections 3 to 7, inclusive, of this act.

Sec. 10. (NEW) (*Effective from passage*) The state of Connecticut shall not be liable for expenses which a person incurs in bringing an action under sections 4 to 7, inclusive, of this act.

Sec. 11. (NEW) (*Effective from passage*) (a) Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent or associated others in furtherance of an action under sections 3 to 7, inclusive, of this act or other efforts to stop one or more violations of section 2 of this act.

(b) Relief under subsection (a) of this section shall include reinstatement with the same seniority status that the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An action under this section may be brought in the Superior Court for the relief provided in this section.

(c) A civil action under this section may not be brought more than

House Bill No. 5597

three years after the date when the retaliation occurred.

Sec. 12. (NEW) (*Effective from passage*) A civil action under sections 3 to 7, inclusive, of this act may not be brought: (1) More than six years after the date on which the violation of subsection (a) of section 2 of this act is committed, or (2) more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the state charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever last occurs. If the state elects to intervene and proceed with an action brought under sections 3 to 7, inclusive, of this act the state may file its own complaint or amend the complaint of a person who has brought an action under sections 3 to 7, inclusive, of this act to clarify or add detail to claims in which the state is intervening and to add any additional claim under which the state contends that it is entitled to relief. For statute of limitation purposes, any such state pleading shall relate back to the filing date of the complaint of the person who originally brought the action to the extent that the claim of the state arises out of the conduct, transactions or occurrences set forth or attempted to be set forth in the prior complaint of such person.

Sec. 13. (NEW) (*Effective from passage*) In any action brought under sections 3 to 7, inclusive, of this act the Attorney General or the person initiating such action shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

Sec. 14. (NEW) (*Effective from passage*) Notwithstanding any other provision of law, a final judgment rendered in favor of the state against a defendant in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop such defendant from denying the essential elements of the offense in any action which involves the same

House Bill No. 5597

transaction as in the criminal proceeding and which is brought in accordance with the provisions of sections 3 to 7, inclusive, of this act.

Sec. 15. (NEW) (*Effective from passage*) The provisions of sections 1 to 15, inclusive, of this act and subsection (a) of section 4-61dd of the general statutes are not exclusive, and the remedies provided for shall be in addition to any other remedies provided for in any other provision of the general statutes or federal law or available under common law.

Sec. 16. (NEW) (*Effective from passage*) On January 1, 2015, and annually thereafter, the Attorney General shall submit a report to the General Assembly and the Governor, in accordance with section 11-4a of the general statutes, that contains the following information:

(1) The number of civil actions the Attorney General filed during the previous fiscal year under sections 3 to 7, inclusive, of this act;

(2) The number of civil actions private persons filed during the previous fiscal year under sections 3 to 7, inclusive, of this act including the number of civil actions that remain under seal, along with (A) the state or federal courts in which such civil actions were filed and the number of civil actions filed in each such court, (B) the state program or agency involved in each civil action, and (C) the number of civil actions filed by private individuals who previously had filed an action based on the same or similar transactions or allegations under the federal False Claims Act, 31 USC 3729-3733, as amended from time to time, or the false claims act of any other state; and

(3) The amount that was recovered by the state under sections 3 to 7, inclusive, of this act in settlement, damages and penalties and the litigation cost, if known, along with the (A) case number and parties for each civil action where there was a recovery, (B) separate amount

House Bill No. 5597

of any funds recovered for damages, penalties and litigation costs, and (C) percentage of the recovery and the amount that the state paid to any private person who brought the civil action.

Sec. 17. Subsection (c) of section 4-61dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Attorney General may summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section or for the purpose of investigating a suspected violation of subsection (a) of section [17b-301b] 2 of this act until such time as the Attorney General files a civil action pursuant to section [17b-301c] 3 of this act. Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of section 1-210, the Auditors of Public Accounts and the Attorney General shall not, after receipt of any information from a person under the provisions of this section or sections [17b-301c to 17b-301g] 3 to 7, inclusive, of this act disclose the identity of such person without such person's consent unless the Auditors of Public Accounts or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation.

Sec. 18. Subdivision (13) of subsection (b) of section 1-210 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(13) Records of an investigation or the name of an employee providing information under the provisions of section 4-61dd or sections [17b-301c to 17b-301g] 3 to 7, inclusive, of this act;

House Bill No. 5597

Sec. 19. Section 19a-181b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Not later than July 1, 2002, each municipality shall establish a local emergency medical services plan. Such plan shall include the written agreements or contracts developed between the municipality, its emergency medical services providers and the public safety answering point, as defined in section 28-25, that covers the municipality. The plan shall also include, but not be limited to, the following:

(1) The identification of levels of emergency medical services, including, but not limited to: (A) The public safety answering point responsible for receiving emergency calls and notifying and assigning the appropriate provider to a call for emergency medical services; (B) the emergency medical services provider that is notified for initial response; (C) basic ambulance service; (D) advanced life support level; and (E) mutual aid call arrangements;

(2) The name of the person or entity responsible for carrying out each level of emergency medical services that the plan identifies;

(3) The establishment of performance standards for each segment of the municipality's emergency medical services system; and

(4) Any subcontracts, written agreements or mutual aid call agreements that emergency medical services providers may have with other entities to provide services identified in the plan.

(b) In developing the plan required by subsection (a) of this section, each municipality: (1) May consult with and obtain the assistance of its regional emergency medical services council established pursuant to section 19a-183, its regional emergency medical services coordinator appointed pursuant to section 19a-186a, its regional emergency medical services medical advisory committees and any sponsor

House Bill No. 5597

hospital, as defined in regulations adopted pursuant to section 19a-179, located in the area identified in the plan; and (2) shall submit the plan to its regional emergency medical services council for the council's review and comment.

(c) Each municipality shall update the plan required by subsection (a) of this section as the municipality determines is necessary. The municipality shall consult with the municipality's primary service area responder concerning any updates to the plan. The Department of Public Health shall, upon request, assist each municipality in the process of updating the plan by providing technical assistance and helping to resolve any disagreements concerning the provisions of the plan.

(d) Not less than once every five years, said department shall review a municipality's plan and the primary service area responder's provision of services under the plan. Such review shall include an evaluation of such responder's compliance with applicable laws and regulations. Upon the conclusion of such evaluation, the department shall assign a rating of "meets performance standards", "exceeds performance standards" or "fails to comply with performance standards" for the primary service area responder. The Commissioner of Public Health may require any primary service area responder that is assigned a rating of "fails to comply with performance standards" to meet the requirements of a performance improvement plan developed by the department. Such primary service area responder may be subject to subsequent performance reviews or removal as the municipality's primary service area responder for a failure to improve performance in accordance with section 19a-181c, as amended by this act.

Sec. 20. Section 19a-181c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

House Bill No. 5597

(a) As used in this section [, "responder"] and section 22 of this act:

(1) "Responder" means any primary service area responder that [(1)] (A) is notified for initial response, [(2)] (B) is responsible for the provision of basic life support service, or [(3)] (C) is responsible for the provision of service above basic life support that is intensive and complex prehospital care consistent with acceptable emergency medical practices under the control of physician and hospital protocols.

(2) "Performance crisis" means (A) the responder has failed to respond to at least fifty per cent or more first call responses in any rolling three-month period and has failed to comply with the requirements of any corrective action plan agreement between the municipality and the responder, or (B) the sponsor hospital refuses to endorse or provide a recommendation for the responder due to unresolved issues relating to the quality of patient care provided by the responder.

(3) "Unsatisfactory performance" means the responder has failed to (A) respond to at least eighty per cent or more first call responses, excluding those responses excused by the municipality in any rolling twelve-month review period, or (B) meet defined response time standards agreed to between the municipality and responder, excluding those responses excused by the municipality, and comply with the requirements of a mutually agreed-upon corrective action plan, or (C) investigate and adequately respond to complaints related to the quality of emergency care or response times, on a repeated basis, or (D) report adverse events as required by the Commissioner of Public Health or as required under the local emergency medical services plan, on a repeated basis, or (E) communicate changes to the level of service or coverage patterns that materially affect the delivery of service as required under the local emergency medical services plan or communicate an intent to change such service that is inconsistent

House Bill No. 5597

with such plan, or (F) communicate changes in its organizational structure that are likely to negatively affect the responder's delivery of service, and (G) deliver services in accordance with the local emergency medical services plan.

(b) Any municipality may petition the commissioner for the removal of a responder. A petition may be made (1) at any time if based on an allegation that [an emergency] a performance crisis exists and that the safety, health and welfare of the citizens of the affected primary service area are jeopardized by the responder's performance, or (2) not more often than once every three years, if based on the unsatisfactory performance of the responder. [as determined based on the local emergency medical services plan established by the municipality pursuant to section 19a-181b and associated agreements or contracts.] A responder for whom a municipality seeks removal pursuant to a petition under this section shall not transfer its responsibilities to another responder while the petition is pending. A hearing on a petition under this section shall be deemed to be a contested case and held in accordance with the provisions of chapter 54.

(c) If, after a hearing authorized by this section, the commissioner determines that (1) [an emergency] a performance crisis exists and the safety, health and welfare of the citizens of the affected primary service area are jeopardized by the responder's performance, (2) the [performance of the responder is unsatisfactory based on the local emergency medical services plan established by the municipality pursuant to section 19-181b and associated agreements or contracts] responder has demonstrated unsatisfactory performance, or (3) it is in the best interests of patient care, the commissioner may revoke the primary service area responder's primary service area assignment and require the chief administrative official of the municipality in which the primary service area is located to submit a plan acceptable to the

House Bill No. 5597

commissioner for the alternative provision of primary service area responder responsibilities, or may issue an order for the alternative provision of emergency medical services, or both.

(d) The commissioner, or the commissioner's designee, shall open any petition for the removal of a responder (1) not later than five business days after receipt of a petition where a performance crisis is alleged and shall conclude the investigation on such petition not later than thirty days after receipt of such petition, or (2) not later than fifteen business days after receipt of a petition where unsatisfactory performance is alleged and shall conclude the investigation on such petition not later than ninety days after receipt of such petition. The commissioner may redesignate any petition received pursuant to this section as due to a performance crisis or unsatisfactory performance based on the facts alleged in the petition and shall comply with the time requirements in this subsection that correspond to the redesignated classification.

(e) The commissioner may develop and implement procedures to designate a temporary responder for a municipality when such municipality has alleged a performance crisis in the petition during the time such petition is under the commissioner's consideration.

(f) The commissioner may hold a hearing and revoke a responder's primary service area assignment in accordance with the provisions of this section, although a petition has not been filed, where the commissioner has assigned a responder a rating of "fails to comply with performance standards" in accordance with section 19a-181b, as amended by this act, and the responder subsequently failed to improve its performance.

Sec. 21. (NEW) (*Effective from passage*) A primary service area responder, as defined in section 19a-175 of the general statutes, shall notify the Department of Public Health and the chief elected official or

House Bill No. 5597

the chief executive officer of the municipality to which it is assigned not later than sixty days prior to the sale or transfer of more than fifty per cent of its ownership interest or assets. Any person who intends to obtain ownership or control of a primary service area responder in a sale or transfer for which notification is required under this section shall submit an application for approval of such purchase or change in control on a form prescribed by the Commissioner of Public Health. The commissioner shall, in determining whether to grant approval of the sale or transfer, consider: (1) The applicant's performance history in the state or another state; and (2) the applicant's financial ability to perform the responsibilities of the primary service area responder in accordance with the local emergency medical services plan, established in accordance with section 19a-181b of the general statutes, as amended by this act. The commissioner shall approve or reject the application not later than forty-five calendar days after receipt of the application. The commissioner shall consult with any municipality or sponsor hospital in the primary service area, as such terms are defined in section 19a-175 of the general statutes, in making a determination on the application and may hold a hearing on the application.

Sec. 22. (NEW) (*Effective October 1, 2014*) (a) For purposes of this section, "primary service area responder" has the same meaning as in section 19a-175 of the general statutes. A municipality that seeks a change in a primary service area responder shall submit an alternative local emergency medical services plan prepared pursuant to section 19a-181b of the general statutes, as amended by this act, to the Department of Public Health when: (1) The municipality's current primary service area responder has failed to meet the standards outlined in the local emergency medical services plan, established pursuant to section 19a-181b of the general statutes, as amended by this act; (2) the municipality has established a performance crisis or unsatisfactory performance, as defined in section 19a-181c of the general statutes, as amended by this act; (3) the primary service area

House Bill No. 5597

responder does not meet a performance measure provided in regulations adopted pursuant to section 19a-179 of the general statutes; (4) the municipality has developed a plan for regionalizing service; or (5) the municipality has developed a plan that will improve or maintain patient care and the municipality has the opportunity to align a new primary service area responder that is better suited than the current primary service area responder to meet the community's current needs. Such plan shall include the name of a recommended primary service area responder for each category of emergency medical response services.

(b) Not later than forty-five days after a municipality submits an alternative local emergency medical services plan pursuant to the provisions of this section, each new recommended primary service area responder who agrees to be considered for the primary service area designation shall submit an application to the commissioner, on a form prescribed by the commissioner.

(c) (1) The Commissioner of Public Health shall conduct a hearing on any alternative local emergency medical services plan submitted pursuant to subsection (a) of this section, including the proposed removal of a primary service area responder and the proposed designation of a new primary service area responder. Not later than thirty days prior to the hearing, the commissioner shall notify the municipality's current primary service area responder, in writing, of the hearing. Such primary service area responder shall be given the opportunity to be heard and may submit information for the commissioner's consideration.

(2) In order to determine whether to approve or disapprove such plan, the commissioner shall consider any relevant factors, including, but not limited to: (A) The impact of the plan on patient care; (B) the impact of the plan on emergency medical services system design, including system sustainability; (C) the impact of the plan on the local,

House Bill No. 5597

regional and state-wide emergency medical services system; (D) the recommendation from the sponsor hospital's medical oversight staff; and (E) the financial impact to the municipality without compromising the quality of patient care. If the commissioner approves the alternative plan and the application of the recommended primary service area responder, the commissioner shall issue a written decision to reassign the primary service area in accordance with the alternative plan and indicate the effective date for the reassignment. A primary service area responder shall deliver services in accordance with the local emergency medical services plan prepared pursuant to section 19a-181b of the general statutes, as amended by this act, until the effective date of the reassignment stated in the commissioner's written decision approving the alternative plan.

Sec. 23. Section 9-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each registrar of voters shall be present during the taking of the vote at any regular or special state or municipal election in the registrar's of voters town or district. The assistants in their respective districts shall, when requested by either registrar of voters, be present at the taking of any such vote and discharge the duties of registrars of voters. Each registrar of voters shall appoint some suitable person to check the list manually on paper or electronically in each district, unless the registrars of voters have established two shifts for election officials under the provisions of section 9-258a, in which case each such registrar of voters shall appoint one such person for each district for each shift. Each such person, who is so appointed official checker, shall manually on paper or electronically check the name of each elector [thereon] on the list when the elector offers the elector's vote, and no voting tabulator tender shall permit any vote to be cast upon the voting tabulator until the name has been so checked.

(b) If an official checker is checking the name of an elector

House Bill No. 5597

electronically, the checker shall use an electronic device approved by the Secretary of the State, in accordance with the provisions of section 26 of this act.

(c) If an official checker is using such an electronic device to check the names of voters and such device becomes inoperable, the official checker shall check such names using a printed copy of such list provided pursuant to section 9-39.

Sec. 24. Section 9-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the official checker or checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by section 9-23r, shall present to the official checker or checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the official checker or checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate [such] form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision

House Bill No. 5597

(1) of this subsection, the official checker or checkers shall check the name of such elector on the official checklist, manually on paper or electronically. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checker or checkers to check the name of such elector on the official checklist, manually on paper or electronically, or notify the elector that the form is incomplete or inaccurate.

(b) In the event that an elector is present at the polling place but is unable to gain access to the polling place due to a temporary incapacity, the elector may request that the ballot be brought to him or her. The registrars of voters or the assistant registrars of voters, as the case may be, shall take such ballot, along with a privacy sleeve to such elector. The elector shall show identification, in accordance with the provisions of this section. The elector shall forthwith mark the ballot in the presence of the election officials in such manner that the election officials shall not know how the ballot is marked. The elector shall place the ballot in the privacy sleeve. The election officials shall mark the elector's name on the official voter list, manually on paper or electronically, as having voted in person and deliver such ballot and privacy sleeve to the voting tabulator where such ballot shall be placed into the tabulator, by the election official, for counting. The moderator shall record such activity in the moderator's diary.

(c) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote, pursuant to section 9-431, an unaffiliated elector shall also announce to the separate table of the official checker or checkers for unaffiliated electors the party in whose primary the elector chooses to vote and the official checker or checkers shall note such party when checking such elector's name on the checklist of unaffiliated electors, manually on

House Bill No. 5597

paper or electronically, provided such choice shall not alter the elector's unaffiliated status.

(d) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote or in which one party is holding a primary in which unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, the official checker or checkers shall give to each elector checked manually on paper or electronically, a receipt provided by the [registrar] registrars of voters, in a form prescribed by the Secretary of the State, specifying either (1) the party with which [he] the elector is enrolled, if any, or (2) in the case of an unaffiliated elector, the party in whose primary [he] the elector has so chosen to vote, and whether [he] the elector is authorized to vote for only a partial ballot.

(e) If not challenged by anyone lawfully present in the polling place, the elector shall be permitted to pass to the separated area to receive the ballot. The elector shall give any receipt the elector has received to a ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. The elector shall be permitted into the voting booth area, and shall then register his or her vote in secret. Having voted, the elector shall immediately exit the voting booth area and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting booth longer than the time necessary to complete the ballot, and, if the elector refuses to leave such booth after completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator. Not more than one elector at a time shall be permitted to be within the enclosed space which the elector occupies while the elector completes his or her ballot, provided an elector may be accompanied within such enclosed space by one or more children who are fifteen years of age or younger and supervised by the elector, if the elector is the parent or legal guardian of such children. [At least two additional

House Bill No. 5597

electors, whose next turn it is to vote shall be permitted in the polling area for the purpose of receiving a ballot.] If any elector, after entering the voting booth area, asks for further instruction concerning the manner of voting, the election officials shall give such instructions or directions to the elector; but no election official instructing or assisting an elector, except as provided in section 9-264, shall look at the ballot in such a way as to see the elector's markings or in any manner seek to influence any such elector in the casting of the elector's vote.

Sec. 25. Section 9-307 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Immediately after the polls are closed, the official checker or checkers, appointed under the provisions of section 9-234, shall make and deliver to the moderator a certificate [, in duplicate,] stating the whole number of names on the registry list or enrollment list including, if applicable, unaffiliated electors authorized under section 9-431 to vote in the primary, and the number checked as having voted in that election or primary. For the purpose of computing the whole number of names on the registry list, the lists of persons who have applied for presidential or overseas ballots prepared in accordance with section 9-158h shall be included. [Thereupon] If a paper registry list is used, the registrars or assistant registrars, as the case may be, acting at the respective polls, shall write and sign with ink, on the list or lists so used and checked, a certificate of the whole number of names registered [thereon] on the list eligible to vote in the election or primary and the number checked as having voted in that election or primary, and deposit it in the office of the municipal clerk of their town on or before the following day. If an electronic version of the registry list is used, the electronic device upon which such list is stored shall be returned to the registrars of voters who shall cause the electronic registry list to be printed. Such printed list shall be signed by each registrar, who shall deposit such list in the office of the municipal

House Bill No. 5597

clerk on the following day. The municipal clerk shall carefully preserve the [same] paper registry list or printed electronic registry list, as applicable, on file, with the marks on it without alteration, for public inspection, and shall immediately enter a certified copy of such certificate on the town records. Subject to the provisions of section 7-109, the municipal clerk may destroy any voting [check list] checklist four years after the date upon which it was used. The moderator shall place [one of the duplicate certificates] the certificate which the moderator received from the official checker or checkers [with the voted ballots from the polling place and the moderator's return provided for in sections 9-259 and 9-310 and shall then lock the tabulator as provided in section 9-310, and the moderator shall deposit the other of such duplicate certificates] in the office of the municipal clerk on or before the following day.

Sec. 26. (NEW) (*Effective from passage*) The Secretary of the State shall review, in consultation and coordination with The University of Connecticut, electronic devices that could assist official checkers in checking the names of electors pursuant to section 9-234 of the general statutes or any regulation adopted pursuant to chapter 147 of the general statutes. Not later than September 1, 2015, the Secretary shall include on a list any such device that the Secretary approves and shall make such list available to municipalities in a manner determined by the Secretary. The Secretary may add or remove a device from such list, as the Secretary determines such addition or removal is necessary.

Sec. 27. (NEW) (*Effective July 1, 2014*) (a) There is established an account to be known as the "CHET Baby Scholars fund" 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 office of the Treasurer for the purposes of the CHET Baby Scholars program established pursuant to this section.

House Bill No. 5597

(b) The Treasurer shall use the funds deposited into the CHET Baby Scholars fund for the purpose of establishing the CHET Baby Scholars program. The program shall promote college education savings by providing a maximum incentive contribution of two hundred fifty dollars from the CHET Baby Scholars fund to a designated beneficiary in the Connecticut Higher Education Trust established pursuant to sections 3-22f to 3-22o, inclusive, of the general statutes and section 29 of this act. For purposes of this section, "designated beneficiary" has the meaning as provided in section 3-22f of the general statutes, except that, for purposes of this section, such beneficiary shall be born or legally adopted on or after January 1, 2014, and shall be a state resident at the time the Treasurer provides an incentive contribution.

(c) The Treasurer shall provide, from the available funds in the CHET Baby Scholars fund, incentive contributions to be credited toward the savings plan in the Connecticut Higher Education Trust for a designated beneficiary in the amounts of (1) one hundred dollars, provided a depositor enters into a participation agreement not later than the first birthday of the designated beneficiary, or, in the case of a designated beneficiary who is adopted, not later than one year after the date the designated beneficiary is legally adopted, and (2) one hundred fifty dollars, provided the designated beneficiary's savings plan has received deposits totaling at least one hundred fifty dollars, exclusive of the initial incentive contribution made pursuant to subdivision (1) of this subsection, not later than the designated beneficiary's fourth birthday, or, in the case of a designated beneficiary who is adopted, not later than four years after the date of adoption.

(d) The Treasurer may enter into one or more contractual agreements to fulfill the purpose of this section, and any such contractual agreement shall specify the rules of participation in the CHET Baby Scholars program. The Treasurer may pay for costs incidental to establishing the CHET Baby Scholars fund or the CHET

House Bill No. 5597

Baby Scholars program, and any administrative costs related to maintaining such program, from the CHET Baby Scholars fund established pursuant to subsection (a) of this section.

Sec. 28. Section 12-743 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Any taxpayer filing a return under this chapter may contribute any part of a refund under this chapter to (1) the organ transplant account established pursuant to section 17b-288, (2) the AIDS research education account established pursuant to section 19a-32a, (3) the endangered species, natural area preserves and watchable wildlife account established pursuant to section 22a-27l, (4) the breast cancer research and education account established pursuant to section 19a-32b, [or] (5) the safety net services account established pursuant to section 17b-112f, or (6) an individual savings plan established under the Connecticut Higher Education Trust established pursuant to sections 3-22f to 3-22o, inclusive, and section 29 of this act, or to the CHET Baby Scholars fund established pursuant to section 27 of this act. Such contribution shall be made by indicating on the tax return, in a manner provided for by the Commissioner of Revenue Services pursuant to subsection (b) of this section, the amount to be contributed to the account.

(b) (1) The Commissioner of Revenue Services shall revise the tax return form to implement the provisions of subsection (a) of this section, which form shall include spaces on the return in which taxpayers may indicate their intention to make a contribution, in a whole dollar amount, in accordance with this section. The commissioner shall include in the instructions accompanying the tax return a description of the purposes for which the organ transplant account, the AIDS research education account, the endangered species, natural area preserves and watchable wildlife account, the breast cancer research and education account, [and] the safety net services

House Bill No. 5597

account and the Connecticut Higher Education Trust were created.

(2) For purposes of facilitating the registration of a taxpayer as an organ donor, the commissioner shall include information in the instructions accompanying the tax return that [(1)] (A) indicates the manner by which a taxpayer may contact an organ donor registry organization, or [(2)] (B) provides electronic links to appropriate organ donor registry organizations for such purpose.

(3) For purposes of facilitating the participation of a taxpayer in the Connecticut Higher Education Trust and the CHET Baby Scholars fund, the commissioner shall include spaces on the return, as provided in subdivision (1) of this subsection as follows: (A) There shall be a space indicating a taxpayer's intention to contribute any part of a refund to someone known to the taxpayer who is a designated beneficiary, as defined in section 3-22f, including a space for the taxpayer to provide the name and Social Security number of such designated beneficiary; and (B) there shall be a space indicating a taxpayer's intention to contribute any part of a refund to the CHET Baby Scholars fund, including a description of such fund and a statement that such contribution shall not benefit a specific child. The commissioner shall include information in the instructions accompanying the tax return that indicates the manner by which the taxpayer may contact the administrator of the Connecticut Higher Education Trust and the CHET Baby Scholars fund, or provides electronic links to such administrator for such purpose.

(c) A designated contribution of all or part of any refund shall be irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the return, and after any deductions required by this chapter, is greater than or equal to the designated contribution. If the refund due, as determined upon initial processing, and after any deductions required by this chapter, is less than the designated

House Bill No. 5597

contribution, the contribution shall be made in the full amount of the refund. The Commissioner of Revenue Services shall subtract the amount of any contribution of all or part of any refund from the amount of the refund initially found due the taxpayer and shall certify the difference to the Secretary of the Office of Policy and Management and the Treasurer for payment to the taxpayer in accordance with this chapter. For the purposes of any subsequent determination of the taxpayer's net tax payment, such contribution shall be considered a part of the refund paid to the taxpayer.

(d) [The] Except for any funds collected for purposes of subdivision (6) of subsection (a) of this section, the Commissioner of Revenue Services, after notification of and approval by the Secretary of the Office of Policy and Management, may deduct and retain from the remaining funds so collected an amount equal to the costs of implementing this section and sections 17b-288, 19a-32a, 22a-27l, 19a-32b and 17b-112f but not to exceed seven and one-half per cent of the funds contributed in any fiscal year and in no event shall exceed the total cost of implementation of said sections.

Sec. 29. (NEW) (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, no moneys invested in the Connecticut Higher Education Trust shall be considered to be an asset for purposes of determining an individual's eligibility for assistance under the temporary family assistance program, as described in section 17b-112 of the general statutes, programs funded under the federal Low Income Home Energy Assistance Program block grant, and the federally appropriated weatherization assistance program, as described in section 16a-41i of the general statutes.

(b) Notwithstanding any provision of the general statutes, no moneys invested in said trust shall be considered to be an asset for purposes of determining an individual's eligibility for need-based, institutional aid grants offered to an individual at the public eligible

House Bill No. 5597

educational institutions in the state.

Sec. 30. Section 3-22f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 3-22f to 3-22o, inclusive, and section 29 of this act:

(1) "Depositor" means any person making a deposit, payment, contribution, gift or otherwise to the trust pursuant to a participation agreement;

(2) "Designated beneficiary" means (A) any individual (i) state resident originally designated in the participation agreement, (ii) subsequently designated who is a family member as defined in Section 2032A(e)(2) of the Internal Revenue Code or (iii) receiving a scholarship from interests in the trust purchased by a state or local government or an organization described in Section 501(c)(3) of the Internal Revenue Code and qualified under Section 529 of the Internal Revenue Code or (B) any other designated beneficiary qualifying under said Section 529 enrolled in the trust;

(3) "Eligible educational institution" means an institution of higher education qualifying under Section 529 of the Internal Revenue Code as an eligible educational institution;

(4) "Internal Revenue Code" means the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended;

(5) "Participation agreements" means agreements between the trust and depositors for participation in a savings plan for a designated beneficiary;

(6) "Qualified higher education expenses" means tuition, fees, books,

House Bill No. 5597

supplies and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution, including undergraduate and graduate schools and any other higher education expenses that may be permitted by Section 529 of the Internal Revenue Code; and

(7) "Trust" means the Connecticut Higher Education Trust.

Sec. 31. Section 3-22g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established the Connecticut Higher Education Trust to promote and enhance the affordability and accessibility of higher education for residents of the state. The trust shall constitute an instrumentality of the state and shall perform essential governmental functions, as provided in sections 3-22f to 3-22o, inclusive, and section 29 of this act. The trust shall receive and hold all payments and deposits or contributions intended for the trust, including contributions made pursuant to section 12-743, as well as gifts, bequests, endowments or federal, state or local grants and any other funds from any public or private source and all earnings until disbursed in accordance with sections 3-22f to 3-22o, inclusive, and section 29 of this act.

(b) The amounts on deposit in the trust shall not constitute property of the state and the trust shall not be construed to be a department, institution or agency of the state. Amounts on deposit in the trust shall not be commingled with state funds and the state shall have no claim to or against, or interest in, such funds. Any contract entered into by or any obligation of the trust shall not constitute a debt or obligation of the state and the state shall have no obligation to any designated beneficiary or any other person on account of the trust and all amounts obligated to be paid from the trust shall be limited to amounts available for such obligation on deposit in the trust. The amounts on

House Bill No. 5597

deposit in the trust may only be disbursed in accordance with the provisions of sections 3-22f to 3-22o, inclusive, and section 29 of this act. The trust shall continue in existence as long as it holds any deposits or has any obligations and until its existence is terminated by law and upon termination any unclaimed assets shall return to the state. Property of the trust shall be governed by section 3-61a.

(c) The Treasurer shall be responsible for the receipt, maintenance, administration, investing and disbursements of amounts from the trust. The trust shall not receive deposits in any form other than cash. No depositor or designated beneficiary may direct the investment of any contributions or amounts held in the trust other than in the specific fund options provided for by the trust.

Sec. 32. Section 3-22h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Treasurer, on behalf of the trust and for purposes of the trust, may:

(1) Receive and invest moneys in the trust in any instruments, obligations, securities or property in accordance with section 3-22i;

(2) Establish consistent terms for each participation agreement, bulk deposit, coupon or installment payments, including, but not limited to, (A) the method of payment into the trust by payroll deduction, transfer from bank accounts or otherwise, (B) the termination, withdrawal or transfer of payments under the trust, including transfers to or from a qualified tuition program established by another state pursuant to Section 529 of the Internal Revenue Code, (C) penalties for distributions not used or made in accordance with Section 529(b)(3) of the Internal Revenue Code, (D) changing of the identity of the designated beneficiary and (E) any charges or fees in connection with the administration of the trust;

House Bill No. 5597

(3) Enter into one or more contractual agreements, including contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing and consulting services for the trust and pay for such services from the gains and earnings of the trust;

(4) Procure insurance in connection with the trust's property, assets, activities, or deposits or contributions to the trust;

(5) Apply for, accept and expend gifts, grants, or donations from public or private sources to enable the trust to carry out its objectives;

(6) Adopt regulations in accordance with chapter 54 for purposes of sections 3-22f to 3-22o, inclusive, and section 29 of this act;

(7) Sue and be sued;

(8) Establish one or more funds within the trust and maintain separate accounts for each designated beneficiary; and

(9) Take any other action necessary to carry out the purposes of sections 3-22f to 3-22o, inclusive, and section 29 of this act, and incidental to the duties imposed on the Treasurer pursuant to said sections.

Sec. 33. Section 3-22m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The state pledges to depositors, designated beneficiaries and with any party who enters into contracts with the trust, pursuant to the provisions of sections 3-22f to 3-22o, inclusive, and section 29 of this act, that the state will not limit or alter the rights under said sections vested in the trust or contract with the trust until such obligations are fully met and discharged and such contracts are fully performed on the part of the trust, provided nothing contained in this section shall

House Bill No. 5597

preclude such limitation or alteration if adequate provision is made by law for the protection of such depositors and designated beneficiaries pursuant to the obligations of the trust or parties who entered into such contracts with the trust. The trust, on behalf of the state, may include this pledge and undertaking for the state in participation agreements and such other obligations or contracts.

Sec. 34. Section 3-22n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Nothing in sections 3-22f to 2-33o, inclusive, or section 29 of this act, or in any participation agreement shall constitute nor be deemed to constitute an agreement, pledge, promise, or guarantee of admission or continued enrollment of any designated beneficiary or any other person to any eligible educational institution in the state or any other institution of higher education.

Sec. 35. Section 1-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

As used in sections 1-120 to 1-123, inclusive:

(1) "Quasi-public agency" means Connecticut Innovations, Incorporated, [and] the Connecticut Health and Educational Facilities Authority, the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Student Loan Foundation, the Connecticut Housing Finance Authority, the Connecticut Housing Authority, the Connecticut Resources Recovery Authority, the Capital Region Development Authority, the Connecticut Lottery Corporation, the Connecticut Airport Authority, the Health Information Technology Exchange of Connecticut, the Connecticut Health Insurance Exchange and the Clean Energy Finance and Investment Authority.

(2) "Procedure" means each statement, by a quasi-public agency, of general applicability, without regard to its designation, that

House Bill No. 5597

implements, interprets or prescribes law or policy, or describes the organization or procedure of any such agency. The term includes the amendment or repeal of a prior regulation, but does not include, unless otherwise provided by any provision of the general statutes, (A) statements concerning only the internal management of any agency and not affecting procedures available to the public, and (B) intra-agency memoranda.

(3) "Proposed procedure" means a proposal by a quasi-public agency under the provisions of section 1-121 for a new procedure or for a change in, addition to or repeal of an existing procedure.

Sec. 36. Section 1-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Connecticut Innovations, Incorporated, the Connecticut Health and Educational Facilities Authority, the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Student Loan Foundation, the Connecticut Housing Finance Authority, the Connecticut Housing Authority, the Connecticut Resources Recovery Authority, the Health Information Technology Exchange of Connecticut, the Connecticut Airport Authority, the Capital Region Development Authority, the Connecticut Health Insurance Exchange and the Clean Energy Finance and Investment Authority shall not borrow any money or issue any bonds or notes which are guaranteed by the state of Connecticut or for which there is a capital reserve fund of any kind which is in any way contributed to or guaranteed by the state of Connecticut until and unless such borrowing or issuance is approved by the State Treasurer or the Deputy State Treasurer appointed pursuant to section 3-12. The approval of the State Treasurer or said deputy shall be based on documentation provided by the authority that it has sufficient revenues to (1) pay the principal of and interest on the bonds and notes issued, (2) establish, increase and maintain any reserves deemed by the authority to be advisable to

House Bill No. 5597

secure the payment of the principal of and interest on such bonds and notes, (3) pay the cost of maintaining, servicing and properly insuring the purpose for which the proceeds of the bonds and notes have been issued, if applicable, and (4) pay such other costs as may be required.

(b) To the extent Connecticut Innovations, Incorporated, [and] the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Housing Finance Authority, the Connecticut Housing Authority, the Connecticut Resources Recovery Authority, the Connecticut Health and Educational Facilities Authority, the Connecticut Student Loan Foundation, the Health Information Technology Exchange of Connecticut, the Connecticut Airport Authority, the Capital Region Development Authority, the Connecticut Health Insurance Exchange or the Clean Energy Finance and Investment Authority is permitted by statute and determines to exercise any power to moderate interest rate fluctuations or enter into any investment or program of investment or contract respecting interest rates, currency, cash flow or other similar agreement, including, but not limited to, interest rate or currency swap agreements, the effect of which is to subject a capital reserve fund which is in any way contributed to or guaranteed by the state of Connecticut, to potential liability, such determination shall not be effective until and unless the State Treasurer or his or her deputy appointed pursuant to section 3-12 has approved such agreement or agreements. The approval of the State Treasurer or his or her deputy shall be based on documentation provided by the authority that it has sufficient revenues to meet the financial obligations associated with the agreement or agreements.

Sec. 37. Section 1-125 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The directors, officers and employees of Connecticut Innovations, Incorporated, [and] the Connecticut Higher Education Supplemental

House Bill No. 5597

Loan Authority, the Connecticut Housing Finance Authority, the Connecticut Housing Authority, the Connecticut Resources Recovery Authority, including ad hoc members of the Connecticut Resources Recovery Authority, the Connecticut Health and Educational Facilities Authority, the Connecticut Student Loan Foundation, the Capital Region Development Authority, the Health Information Technology Exchange of Connecticut, the Connecticut Airport Authority, the Connecticut Lottery Corporation, the Connecticut Health Insurance Exchange and the Clean Energy Finance and Investment Authority and any person executing the bonds or notes of the agency shall not be liable personally on such bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof, nor shall any director or employee of the agency, including ad hoc members of the Connecticut Resources Recovery Authority, be personally liable for damage or injury, not wanton, reckless, wilful or malicious, caused in the performance of his or her duties and within the scope of his or her employment or appointment as such director, officer or employee, including ad hoc members of the Connecticut Resources Recovery Authority. The agency shall protect, save harmless and indemnify its directors, officers or employees, including ad hoc members of the Connecticut Resources Recovery Authority, from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or alleged deprivation of any person's civil rights or any other act or omission resulting in damage or injury, if the director, officer or employee, including ad hoc members of the Connecticut Resources Recovery Authority, is found to have been acting in the discharge of his or her duties or within the scope of his or her employment and such act or omission is found not to have been wanton, reckless, wilful or malicious.

Sec. 38. Section 10a-178 of the general statutes is amended by adding subsection (q) as follows (*Effective July 1, 2014*):

House Bill No. 5597

(NEW) (q) "Connecticut Student Loan Foundation" means the Connecticut Student Loan Foundation established pursuant to chapter 187a that is a subsidiary of the authority as provided in section 39 of this act, and that is deemed a quasi-public agency for purposes of chapter 12.

Sec. 39. (NEW) (*Effective July 1, 2014*) (a) The Connecticut Student Loan Foundation is constituted as a subsidiary of the Connecticut Health and Educational Facilities Authority. The Connecticut Student Loan Foundation shall have all the privileges, immunities, tax exemptions and other exemptions of the Connecticut Health and Educational Facilities Authority and may exercise the powers granted pursuant to chapter 187a of the general statutes, which shall be deemed and held to be the performance of an essential public and government function. The Connecticut Student Loan Foundation shall be subject to suit and liability solely from the assets, revenues and resources of the Connecticut Student Loan Foundation and without recourse to the general funds, revenues, resources or any other assets of the Connecticut Health and Educational Facilities Authority or any other subsidiary of the Connecticut Health and Educational Facilities Authority.

(b) (1) On and after July 1, 2014, the board of directors of the Connecticut Higher Education Supplemental Loan Authority, appointed in accordance with section 10a-179a of the general statutes, shall also serve as the board of directors for the Connecticut Student Loan Foundation. Any member of the Connecticut Student Loan Foundation board may be removed by the board of directors of the Connecticut Health and Educational Facilities Authority for misfeasance, malfeasance or neglect of duty. Each member of the Connecticut Student Loan Foundation board, before entering upon his or her duties, shall take and subscribe the oath or affirmation required by section 1 of article eleventh of the State Constitution. A record of

House Bill No. 5597

each such oath shall be filed in the office of the Secretary of the State.

(2) The chairperson of the board of directors of the Connecticut Higher Education Supplemental Loan Authority shall serve as the chairperson of the Connecticut Student Loan Foundation board of directors. The Connecticut Student Loan Foundation board shall annually elect one of its members as vice-chairperson. The Connecticut Student Loan Foundation board may appoint an executive director, who shall be an employee of the Connecticut Health and Educational Facilities Authority or of the Connecticut Higher Education Supplemental Loan Authority, and who shall serve at the pleasure of the Connecticut Student Loan Foundation board. The executive director shall supervise the administrative affairs and technical activities of the Connecticut Student Loan Foundation in accordance with the directives of the board. The executive director shall keep a record of all proceedings and shall be custodian of all books, documents and papers filed with the Connecticut Student Loan Foundation and of its minute book and its official seal.

(3) Directors shall receive no compensation for their services, but shall be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties under this section.

(4) The board of directors shall adopt bylaws for the Connecticut Student Loan Foundation and provide for the holding of regular and special meetings. A majority of the directors shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the Connecticut Student Loan Foundation, the act of a majority of the directors present at any meeting shall be deemed the act of the board.

(5) The board of directors may elect an executive committee of not fewer than five members who, in intervals between meetings of the board, may transact such business of the Connecticut Student Loan

House Bill No. 5597

Foundation as the board may from time to time authorize.

(c) The provisions of section 1-125 of the general statutes, subsection (e) of section 10a-185 of the general statutes and this subsection shall apply to any officer, director, designee or employee of the Connecticut Higher Education Supplemental Loan Authority or of the Connecticut Health and Educational Facilities Authority appointed as a member, director or officer of the Connecticut Student Loan Foundation and to an employee of the Connecticut Health and Educational Facilities Authority who is an authorized officer of the authority. Any such persons so appointed shall not be personally liable for the debts, obligations or liabilities of the Connecticut Student Loan Foundation as provided in said section 1-125. The Connecticut Student Loan Foundation shall and the Connecticut Health and Educational Facilities Authority may provide for the indemnification to protect, save harmless and indemnify such officer, director, designee or employee as provided by said section 1-125.

(d) The Connecticut Health and Educational Facilities Authority or the Connecticut Student Loan Foundation may take such actions as are necessary to comply with the provisions of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States, as from time to time amended, to qualify and maintain any such subsidiary as a corporation exempt from taxation under said Internal Revenue Code.

Sec. 40. Section 10a-180 of the general statutes is amended by adding subsection (y) as follows (*Effective July 1, 2014*):

(NEW) (y) To provide and be compensated for such services to or on behalf of the Connecticut Student Loan Foundation as are appropriate for the operation and management of said foundation, including, without limitation, to provide to said foundation and to be reimbursed for costs associated with such space, equipment, supplies

House Bill No. 5597

and employees as are necessary and appropriate for the operations of said foundation.

Sec. 41. Section 10a-201 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

There is hereby created a nonprofit corporation which shall be known as the Connecticut Student Loan Foundation, and shall be a subsidiary of the Connecticut Health and Educational Facilities Authority. The purpose of said corporation shall be to improve educational opportunity and promote repayment of loans. Improving educational opportunity shall include, but not be limited to, the following: (1) Guaranteeing loans for persons to assist them in meeting the expenses of education, including alternative loans and loans that are governed by Title IV, Part B of the Higher Education Act of 1965, as from time to time amended; (2) lending funds or acquiring loans made to persons to assist them in meeting the expenses of education, including alternative loans and loans that are governed by Title IV, Part B of the Higher Education Act of 1965, as from time to time amended; and (3) providing appropriate services incident to the administration of programs which are established to improve educational opportunities, all in accordance with the provisions of this chapter. Said corporation shall be exempt from all requirements of chapter 602.

Sec. 42. Section 10a-202 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

As used in this chapter, the following terms shall have the following meanings:

[(a)] (1) "Corporation" means the Connecticut Student Loan Foundation that is a subsidiary of the Connecticut Health and Educational Facilities Authority as provided in section 39 of this act;

House Bill No. 5597

[(b)] (2) "Board" means the board of directors of the Connecticut Student Loan Foundation, as provided in section 39 of this act;

(3) "Connecticut Health and Educational Facilities Authority" means the authority established pursuant to section 10a-179;

[(c)] (4) "Eligible institution" means "eligible institution", as defined in Title IV, Part B of the Higher Education Act of 1965;

[(d)] (5) "An institution of higher education" means "institution of higher education", as defined in Title IV, Part B of the Higher Education Act of 1965;

[(e)] (6) "Title IV, Part B of the Higher Education Act of 1965" means the applicable provisions of Title IV, Part B of the Higher Education Act of 1965, as amended, and the regulations promulgated thereunder and as the same may from time to time be amended;

[(f)] (7) "Eligible lender" means "eligible lender", as defined in Title IV, Part B of the Higher Education Act of 1965, where applicable.

Sec. 43. Section 10a-204 of the general statutes is amended by adding subdivision (9) as follows (*Effective July 1, 2014*):

(NEW) (9) To distribute excess corporation funds to the Connecticut Health and Educational Facilities Authority or any subsidiary of said authority for the purpose of such recipient's provision of financial assistance to qualified students attending institutions of higher education, including, without limitation, loans, scholarships or grants and financial literacy education.

Sec. 44. Section 3-55i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

There is established the "Mashantucket Pequot and Mohegan Fund" which shall be a separate nonlapsing fund. All funds received by the

House Bill No. 5597

state of Connecticut from the Mashantucket Pequot Tribe pursuant to the joint memorandum of understanding entered into by and between the state and the tribe on January 13, 1993, as amended on April 30, 1993, and any successor thereto, shall be deposited in the General Fund. During the fiscal year ending June 30, [2000] 2015, and each fiscal year thereafter, [one hundred thirty-five million dollars,] from the funds received by the state from the tribe pursuant to said joint memorandum of understanding, as amended, and any successor thereto, an amount equal to the appropriation to the Mashantucket Pequot and Mohegan Fund for Grants to Towns shall be transferred to the Mashantucket Pequot and Mohegan Fund and shall be distributed by the Office of Policy and Management, during said fiscal year, in accordance with the provisions of section 3-55j. The amount of the grant payable to each municipality during any fiscal year, in accordance with said section, shall be reduced proportionately if the total of such grants exceeds the amount of funds available for such year. The grant shall be paid in three installments as follows: The Secretary of the Office of Policy and Management shall, annually, not later than the fifteenth day of December, the fifteenth day of March and the fifteenth day of June certify to the Comptroller the amount due each municipality under the provisions of section 3-55j and the Comptroller shall draw an order on the Treasurer on or before the fifth business day following the fifteenth day of December, the fifth business day following the fifteenth day of March and the fifth business day following the fifteenth day of June and the Treasurer shall pay the amount thereof to such municipality on or before the first day of January, the first day of April and the thirtieth day of June.

Sec. 45. Section 22a-27j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Any person, firm or corporation, other than a municipality, making an application for any approval required by chapters 124, 126,

House Bill No. 5597

440 and 444 or by regulations adopted pursuant to said chapters shall pay a fee of twenty dollars, in addition to any other fee which may be required, to the municipal agency or legislative body which is authorized to approve the application. [On and after July 1, 2004, the fee shall be thirty dollars.] On and after October 1, 2009, the fee shall be sixty dollars. Such municipal agency or legislative body shall collect such fees, retaining two dollars of such fee for administrative costs, and shall pay the remainder of such fees quarterly to the Department of Energy and Environmental Protection and the receipts shall be deposited into the General Fund.

(b) Not later than three months following the close of each fiscal year starting with the fiscal year beginning July 1, 2000, the Department of Energy and Environmental Protection shall identify those municipalities that are not in compliance with subsection (a) of this section for the previous fiscal year and shall provide the Office of Policy and Management with a list of such municipalities. The list shall be submitted annually and in such manner as the Office of Policy and Management may require. The Office of Policy and Management, when issuing the first payment from the Mashantucket Pequot and Mohegan Fund established pursuant to section 3-55i, in the fiscal year during which said list is received, shall reduce said payment to a municipality by one thousand dollars for each quarter of the preceding fiscal year that the municipality has not been in compliance with subsection (a) of this section to a maximum of four thousand dollars in each fiscal year.

(c) Following the close of each fiscal year starting with the fiscal year beginning July 1, 2014, the Secretary of the Office of Policy and Management shall certify to the Comptroller the amount of any funds withheld under subsection (b) of this section and the Comptroller shall cause such amount to be deposited into the General Fund.

Sec. 46. (NEW) (*Effective October 1, 2014*) On and after October 1,

House Bill No. 5597

2014, (1) each police basic training program conducted or administered by the Division of State Police within the Department of Emergency Services and Public Protection, the Police Officer Standards and Training Council, established under section 7-294b of the general statutes, or a municipal police department in the state shall include a course on handling incidents involving an individual affected with a serious mental illness, and (2) each review training program conducted by such agencies shall make provisions for such a course.

Sec. 47. Subsection (e) of section 12-263m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(e) Notwithstanding the terms of any grant made under this section, an eligible applicant shall bear all the costs of such pollution that are less than ten thousand dollars. The Commissioner of Economic and Community Development may provide a grant of up to three hundred thousand dollars to the eligible applicant where the eligible applicant has provided said commissioner with documentation satisfactory to said commissioner that the services for which payment is sought have been or will be completed. No eligible applicant shall receive more than three hundred thousand dollars per eligible dry cleaning establishment. [There shall be allocated to the Department of Economic and Community Development annually from the account, for administrative costs, an amount equal to five per cent of the maximum balance of the account in the preceding year or one hundred thousand dollars, whichever is greater.] In addition, the account may be used (1) to provide grants to the Department of Energy and Environmental Protection for expenditures made investigating dry cleaning establishments, (2) to provide potable water whenever necessary, and (3) to conduct environmental site assessments.

Sec. 48. Section 12-120b of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof

House Bill No. 5597

(Effective from passage and applicable to applications made on or after April 1, 2014):

(a) As used in this section:

(1) "Claimant" means a person, company, limited liability company, firm, association, corporation or other business entity having received approval for financial assistance from a town's assessor or a municipal official;

(2) "Financial assistance" means a property tax exemption, property tax credit or rental rebate for which the state of Connecticut provides direct or indirect reimbursement; and

(3) "Program" means (A) property tax exemptions under section 12-81g or subdivision (55), (59), (60), (70), (72) or (74) of section 12-81, [and] (B) tax relief pursuant to section 12-129d or 12-170aa, and (C) grants under section 12-170d.

(b) A claimant negatively affected by a decision of the Secretary of the Office of Policy and Management with respect to any program may appeal such decision in the manner set forth in subsection (d) of this section. Any notice the secretary issues pursuant to this section shall be sent by first class United States mail to a claimant at the address entered on the application for financial assistance as filed unless, subsequent to the date of said filing, the claimant sends the secretary a written request that any correspondence regarding said financial assistance be sent to another name or address. The date of any notice sent by the secretary pursuant to this section shall be deemed to be the date the notice is delivered to the claimant.

(c) The secretary may review any application for financial assistance submitted by a claimant in conjunction with a program. The secretary may exclude from reimbursement any property included in an application that, in the secretary's judgment, does not qualify for

House Bill No. 5597

financial assistance or may modify the amount of any financial assistance approved by an assessor or municipal official in the event the secretary finds it to be mathematically incorrect, not supported by the application, not in conformance with law or if the secretary believes that additional information is needed to justify its approval.

(d) (1) If the secretary modifies the amount of financial assistance approved by an assessor or municipal official under a program, or makes a preliminary determination that the claimant who filed written application for such financial assistance is ineligible therefor, the secretary shall send a written notice of preliminary modification or denial to said claimant and shall concurrently forward a copy to the office of the assessor or municipal official who approved said financial assistance. The notice shall include plain language setting forth the reason for the preliminary modification or denial, the name and telephone number of a member of the secretary's staff to whom questions regarding the notice may be addressed, a request for any additional information or documentation that the secretary believes is needed in order to justify the approval of such financial assistance, the manner by which the claimant may request reconsideration of the secretary's preliminary determination and the timeframe for doing so. Not later than ninety days after the date an assessor receives a copy of such preliminary notice, the assessor shall determine whether an increase to the taxable grand list of the town is required to be made as a result of such modification or denial, unless, in the interim, the assessor has received written notification from the secretary that a request for a hearing with respect to such financial assistance has been approved pursuant to subparagraph (B) of subdivision (2) of this subsection. If an assessment increase is warranted, the assessor shall promptly issue a certificate of correction adding the value of such property to the taxable grand list for the appropriate assessment year and shall forward a copy thereof to the tax collector, who shall, not later than thirty days following, issue a bill for the amount of the

House Bill No. 5597

additional tax due as a result of such increase. Such additional tax shall become due and payable not later than thirty days from the date such bill is sent and shall be subject to interest for delinquent taxes as provided in section 12-146. With respect to the preliminary modification or denial of financial assistance for which a hearing is held, the assessor shall not issue a certificate of correction until the assessor receives written notice of the secretary's final determination following such hearing.

(2) (A) Any claimant aggrieved by the secretary's notice of preliminary modification or denial of financial assistance under a program may, not later than thirty business days after receiving said notice, request a reconsideration of the secretary's decision for any factual reason, provided the claimant states the reason for the reconsideration request in writing and concurrently provides any additional information or documentation that the secretary may have requested in the preliminary notice of modification or denial. The secretary may grant an extension of the date by which a claimant's additional information or documentation must be submitted, upon receipt of proof that the claimant has requested such data from another governmental agency or if the secretary determines there is good cause for doing so.

(B) Not later than thirty business days after receiving a claimant's request for reconsideration and any additional information or documentation the claimant has provided, the secretary shall reconsider the preliminary decision to modify or deny said financial assistance and shall send the claimant a written notice of the secretary's determination regarding such reconsideration. If aggrieved by the secretary's notice of determination with respect to the reconsideration of said financial assistance, the claimant may, not later than thirty business days after receiving said notice, make application for a hearing before said secretary, or the secretary's designee. Such

House Bill No. 5597

application shall be in writing and shall set forth the reason why the financial assistance in question should not be modified or denied. Not later than thirty business days after receiving an application for a hearing, the secretary shall grant or deny such hearing request by written notice to the claimant. If the secretary denies the claimant's request for a hearing, such notice shall state the reason for said denial. If the secretary grants the claimant's request for a hearing, the secretary shall send written notice of the date, time and place of the hearing, which shall be held not later than thirty business days after the date of the secretary's notice granting the claimant a hearing. Such hearing may, at the secretary's discretion, be held in the judicial district in which the claimant or the claimant's property is located. Not later than thirty business days after the date on which a hearing is held, a written notice of the secretary's determination with respect to such hearing shall be sent to the claimant and a copy thereof shall be concurrently sent to the assessor or municipal official who approved the financial assistance in question.

(3) If any claimant is aggrieved by the secretary's determination concerning the hearing regarding the claimant's financial assistance or the secretary's decision not to hold a hearing, such claimant may, not later than thirty business days after receiving the secretary's notice related thereto, appeal to the superior court of the judicial district in which the claimant resides or in which the claimant's property that is the subject of the appeal is located. Such appeal shall be accompanied by a citation to the secretary to appear before said court, and shall be served and returned in the same manner as is required in the case of a summons in a civil action. The pendency of such appeal shall not suspend any action by a municipality to collect property taxes from the applicant on the property that is the subject of the appeal. The authority issuing the citation shall take from the applicant a bond or recognizance to the state of Connecticut, with surety, to prosecute the application in effect and to comply with the orders and decrees of the

House Bill No. 5597

court in the premises. Such applications shall be preferred cases, to be heard, unless cause appears to the contrary, at the first session, by the court or by a committee appointed by the court. Said court may grant such relief as may be equitable and, if the application is without probable cause, may tax double or triple costs, as the case demands; and, upon all applications which are denied, costs may be taxed against the applicant at the discretion of the court, but no costs shall be taxed against the state.

(4) The secretary shall notify each claimant of the final modification or denial of financial assistance as claimed, in accordance with the procedure set forth in this subsection. A copy of the notice of final modification or denial shall be sent concurrently to the assessor or municipal official who approved such financial assistance. With respect to property tax exemptions under section 12-81g or subdivision (55), (59), (60) or (70) of section 12-81, and tax relief pursuant to section 12-129d or 12-170aa, the notice pursuant to this subdivision shall be sent not later than one year after the date claims for financial assistance for each such program are filed with the secretary. For property tax exemptions under subdivision (72) or (74) of section 12-81, such notice shall be sent not later than the date by which a final modification to the payment for such program must be reflected in the certification of the secretary to the Comptroller. For grants under section 12-170d, such notice shall be sent not later than the date by which the secretary certifies the amounts of payment to the Comptroller.

Sec. 49. Section 12-170d of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to applications made on or after April 1, 2014*):

(a) Beginning with the calendar year 1973 and for each calendar year thereafter any renter of real property, or of a mobile manufactured home, as defined in section 12-63a, which [he] such

House Bill No. 5597

renter occupies as his or her home, who meets the qualifications set forth in this section, shall be entitled to receive in the following year in the form of direct payment from the state, a grant in refund of utility and rent bills actually paid by or for [him] such renter on such real property or mobile manufactured home to the extent set forth in section 12-170e. Such grant by the state shall be made upon receipt by the state of a certificate of grant with a copy of the application therefor attached, as provided in section 12-170f, provided such application shall be made within one year from the close of the calendar year for which the grant is requested. If the rental quarters are occupied by more than one person, it shall be assumed for the purposes of this section and sections 12-170e and 12-170f that each of such persons pays his or her proportionate share of the rental and utility expenses levied thereon and grants shall be calculated on that portion of utility and rent bills paid that are applicable to the person making application for grant under said sections. For purposes of this section and [said] sections 12-170e and 12-170f, a [husband and wife] married couple shall constitute one tenant, and a resident of cooperative housing shall be a renter. To qualify for such payment by the state, the renter shall meet qualification requirements in accordance with each of the following subdivisions: (1) (A) At the close of the calendar year for which a grant is claimed be sixty-five years of age or over, or his or her spouse who is residing with [him] such renter shall be sixty-five years of age or over, at the close of such year, or be fifty years of age or over and the surviving spouse of a renter who at the time of his or her death had qualified and was entitled to tax relief under this chapter, provided such spouse was domiciled with such renter at the time of his or her death, or (B) at the close of the calendar year for which a grant is claimed be under age sixty-five and eligible in accordance with applicable federal regulations, to receive permanent total disability benefits under Social Security, or if [he] such renter has not been engaged in employment covered by Social Security and accordingly has not qualified for Social Security benefits [thereunder] but has

House Bill No. 5597

become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, determined by the Secretary of the Office of Policy and Management to contain requirements in respect to qualification for such permanent total disability benefits which are comparable to such requirements under Social Security; (2) shall reside within this state and shall have resided within this state for at least one year or [his] such renter's spouse who is domiciled with [him] such renter shall have resided within this state for at least one year and shall reside within this state at the time of filing the claim and shall have resided within this state for the period for which claim is made; (3) shall have taxable and nontaxable income, the total of which shall hereinafter be called "qualifying income", during the calendar year preceding the filing of [his] such renter's claim in an amount of not more than twenty thousand dollars, jointly with spouse, if married, and not more than sixteen thousand two hundred dollars if unmarried, provided such maximum amounts of qualifying income shall be subject to adjustment in accordance with subdivision (2) of subsection (a) of section 12-170e, and provided the amount of any Medicaid payments made on behalf of the renter or the spouse of the renter shall not constitute income; and (4) shall not have received financial aid or subsidy from federal, state, county or municipal funds, excluding Social Security receipts, emergency energy assistance under any state program, emergency energy assistance under any federal program, emergency energy assistance under any local program, payments received under the federal Supplemental Security Income Program, payments derived from previous employment, veterans and veterans disability benefits and subsidized housing accommodations, during the calendar year for which a grant is claimed, for payment, directly or indirectly, of rent, electricity, gas, water and fuel applicable to the rented residence. Notwithstanding the provisions of subdivision (4) of this subsection, a renter who receives cash assistance from the

House Bill No. 5597

Department of Social Services in the calendar year prior to that in which such renter files an application for a grant may be entitled to receive such grant provided the amount of the cash assistance received shall be deducted from the amount of such grant and the difference between the amount of the cash assistance and the amount of the grant is equal to or greater than ten dollars. Funds attributable to such reductions shall be transferred annually from the appropriation to the [Department of Housing] Office of Policy and Management, for tax relief for elderly renters, to the Department of Social Services, to the appropriate accounts, following the issuance of such grants. Notwithstanding the provisions of subsection (b) of section 12-170aa, the owner of a mobile manufactured home may elect to receive benefits under section 12-170e in lieu of benefits under said section 12-170aa.

(b) For purposes of determining qualifying income under subsection (a) of this section with respect to a married renter who submits an application for a grant in accordance with sections 12-170d to 12-170g, inclusive, the Social Security income of the spouse of such renter shall not be included in the qualifying income of such renter, for purposes of determining eligibility for benefits under said sections, if such spouse is a resident of a health care or nursing home facility in this state receiving payment related to such spouse under the Title XIX Medicaid program. An applicant who is legally separated pursuant to the provisions of section 46b-40, as of the thirty-first day of December preceding the date on which such person files an application for a grant in accordance with sections 12-170d to 12-170g, inclusive, may apply as an unmarried person and shall be regarded as such for purposes of determining qualifying income under subsection (a) of this section.

[(c) Any individual who did not receive a grant for the calendar year 2011 pursuant to subsection (a) of this section shall not be eligible

House Bill No. 5597

to apply for a grant under this program. Any individual who did receive a grant for the calendar year 2011 pursuant to subsection (a) of this section shall continue to be eligible to apply for a grant under this section, provided that any such individual who does not receive a grant in any subsequent calendar year shall no longer be eligible to apply for a grant under this program.]

Sec. 50. Subsection (a) of section 12-170f of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to applications made on or after April 1, 2014*):

(a) Any renter, believing himself or herself to be entitled to a grant under section 12-170d for any calendar year, shall [make application] apply for such grant to the assessor of the municipality in which the renter resides or to the duly authorized agent of such assessor or municipality on or after April first and not later than October first of each year with respect to such grant for the calendar year preceding each such year, on a form prescribed and furnished by the [Commissioner of Housing] Secretary of the Office of Policy and Management to the assessor. A renter may [make application] apply to the [commissioner] secretary prior to December fifteenth of the claim year for an extension of the application period. The [commissioner] secretary may grant such extension in the case of extenuating circumstance due to illness or incapacitation as evidenced by a certificate signed by a physician or an advanced practice registered nurse to that extent, or if the [commissioner] secretary determines there is good cause for doing so. A renter making such application shall present to such assessor or agent, in substantiation of the renter's application, a copy of the renter's federal income tax return, and if not required to file a federal income tax return, such other evidence of qualifying income, receipts for money received, or cancelled checks, or copies thereof, and any other evidence the assessor or such agent may

House Bill No. 5597

require. When the assessor or agent is satisfied that the applying renter is entitled to a grant, such assessor or agent shall issue a certificate of grant, in triplicate, in such form as the [commissioner] secretary may prescribe and supply showing the amount of the grant due. The assessor or agent shall forward the original copy and attached application to the [commissioner] secretary not later than the last day of the month following the month in which the renter has made application. [On or after December 1, 1989, any] Any municipality [which] that neglects to transmit to the [commissioner] secretary the claim and supporting applications as required by this section shall forfeit two hundred fifty dollars to the state, provided [said commissioner] the secretary may waive such forfeiture in accordance with procedures and standards adopted by regulation in accordance with chapter 54. A duplicate of such certificate with a copy of the application attached shall be delivered to the renter and the assessor or agent shall keep the third copy of such certificate and a copy of the application. After the [commissioner's] secretary's review of each claim, pursuant to section [12-170ee] 12-120b, and verification of the amount of the grant the [commissioner] secretary shall, not later than September thirtieth of each year prepare a list of certificates approved for payment, and shall thereafter supplement such list monthly. Such list and any supplements thereto shall be approved for payment by the [commissioner] secretary and shall be forwarded by the [commissioner] secretary to the Comptroller, not later than one hundred twenty days after receipt of such applications and certificates of grant from the assessor or agent, and the Comptroller shall draw an order on the Treasurer, not later than fifteen days following, in favor of each person on such list and on supplements to such list in the amount of such person's claim and the Treasurer shall pay such amount to such person, not later than fifteen days following. If the Secretary of the Office of Policy and Management determines a renter was overpaid for such grant, the amount of any subsequent grant paid to the renter under section 12-170d after such determination shall be

House Bill No. 5597

reduced by the amount of overpayment until the overpayment has been recouped. Any claimant aggrieved by the results of the [commissioner's review] secretary's review or determination shall have the rights of appeal as set forth in section [12-170ee] 12-120b. Applications filed under this section shall not be open for public inspection. Any person who, for the purpose of obtaining a grant under section 12-170d, wilfully fails to disclose all matters related thereto or with intent to defraud makes false statement shall be fined not more than five hundred dollars.

Sec. 51. Section 12-170g of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to applications made on or after April 1, 2014*):

Any person aggrieved by the action of the assessor or agent in fixing the amount of the grant under section 12-170f, or in disapproving the claim therefor may apply to the [Commissioner of Housing] Secretary of the Office of Policy and Management in writing, within thirty business days from the date of notice given to such person by the assessor or agent, giving notice of such grievance. The [commissioner] secretary shall promptly consider such notice and may grant or deny the relief requested, provided such decision shall be made not later than thirty business days after the receipt of such notice. If the relief is denied, the applicant shall be notified forthwith, and the applicant may appeal the decision of the [commissioner] secretary in accordance with the provisions of section [12-170ee] 12-120b.

Sec. 52. Section 12-170bb of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to applications made on or after April 1, 2014*):

(a) On or before March first, annually, the Secretary of the Office of

House Bill No. 5597

Policy and Management shall submit a report concerning the state programs of tax relief for elderly homeowners and grants to elderly renters to the joint standing committee of the General Assembly [on] having cognizance of matters relating to finance, revenue and bonding. [Said] Such report shall be prepared in relation to qualified participants, benefits allowed and state payments to municipalities as reimbursement for property tax loss in the preceding calendar year, including data concerning (1) the total number of qualified participants in each of the state programs for elderly homeowners and the state program for elderly renters, and (2) total benefits allowed in each of such programs. The information as to qualified participants and benefits allowed shall be subdivided to reflect such totals with respect to each of the following categories: (A) Each of the income brackets as included in the schedule of benefits for elderly homeowners and renters, and (B) married and unmarried participants.

(b) In addition to the information described in subsection (a), [said] such report pertaining to the state programs of tax reduction for elderly homeowners and grants for elderly renters shall include statistics related to distribution of benefits, applicable to the preceding calendar year, as follows:

(1) With respect to each of the bracket of tax reduction benefits in the following schedules, the total number of persons in the state program of tax reduction for homeowners under section 12-170aa who received benefits within the limits of each such bracket, including the number of persons receiving the maximum and the minimum amounts of tax reduction:

Amount of Tax Reduction Allowed			
Married Homeowners		Unmarried Homeowners	
Over	Not Exceeding	Over	Not Exceeding
\$	\$ 100 (Minimum)	\$	\$ 100 (Minimum)

House Bill No. 5597

100	200	100	200
200	300	200	300
300	400	300	400
400	500	400	500
500	600	500	600
600	700	600	700
700	800	700	800
800	900	800	900
900	1,000	900	999
1,000	1,100		1,000 (Maximum)
1,100	1,249		
	1,250 (Maximum)		

(2) With respect to each of the brackets concerning grants to renters in the following schedules, the total number of persons in the state program of grants for elderly renters under sections 12-170d and 12-170e who received benefits within the limits of each such bracket, including the number of persons receiving the maximum and minimum amount of grant:

Amount of State Grant Allowed

<u>Married Renters</u>		<u>Unmarried Renters</u>	
<u>Over</u>	<u>Not exceeding</u>	<u>Over</u>	<u>Not Exceeding</u>
<u>\$</u>	<u>\$ 100 (Minimum)</u>	<u>\$</u>	<u>\$ 100 (Minimum)</u>
<u>100</u>	<u>200</u>	<u>100</u>	<u>200</u>
<u>200</u>	<u>300</u>	<u>200</u>	<u>300</u>
<u>300</u>	<u>400</u>	<u>300</u>	<u>400</u>
<u>400</u>	<u>500</u>	<u>400</u>	<u>500</u>
<u>500</u>	<u>600</u>	<u>500</u>	<u>600</u>
<u>600</u>	<u>700</u>	<u>600</u>	<u>699</u>
<u>700</u>	<u>800</u>		<u>700 (Maximum)</u>
<u>800</u>	<u>899</u>		
	<u>900 (Maximum)</u>		

House Bill No. 5597

[(2)] (3) With respect to each of the brackets of benefits in the following schedule, the total number of persons in the state tax-freeze program for elderly homeowners under section 12-129b who received benefits in tax reduction within the limits of each such bracket:

Amount of Tax Reduction Benefit Allowed	
Over	Not Exceeding
\$	\$ 300
300	600
600	900
900	1,200
1,200	1,500
1,500	

Sec. 53. Subsection (b) of section 17b-90 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to applications made on or after April 1, 2014*):

(b) No person shall, except for purposes directly connected with the administration of programs of the Department of Social Services and in accordance with the regulations of the commissioner, solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any list of the names of, or any information concerning, persons applying for or receiving assistance from the Department of Social Services or persons participating in a program administered by said department, directly or indirectly derived from the records, papers, files or communications of the state or its subdivisions or agencies, or acquired in the course of the performance of official duties. The Commissioner of Social Services shall disclose (1) to any authorized representative of the Labor Commissioner such information directly related to unemployment compensation, administered pursuant to chapter 567 or information necessary for

House Bill No. 5597

implementation of sections 17b-688b, 17b-688c and 17b-688h and section 122 of public act 97-2 of the June 18 special session, (2) to any authorized representative of the Commissioner of Mental Health and Addiction Services any information necessary for the implementation and operation of the basic needs supplement program, (3) to any authorized representative of the Commissioner of Administrative Services or the Commissioner of Emergency Services and Public Protection such information as the Commissioner of Social Services determines is directly related to and necessary for the Department of Administrative Services or the Department of Emergency Services and Public Protection for purposes of performing their functions of collecting social services recoveries and overpayments or amounts due as support in social services cases, investigating social services fraud or locating absent parents of public assistance recipients, (4) to any authorized representative of the Commissioner of Children and Families necessary information concerning a child or the immediate family of a child receiving services from the Department of Social Services, including safety net services, if the Commissioner of Children and Families or the Commissioner of Social Services has determined that imminent danger to such child's health, safety or welfare exists to target the services of the family services programs administered by the Department of Children and Families, (5) to a town official or other contractor or authorized representative of the Labor Commissioner such information concerning an applicant for or a recipient of assistance under state-administered general assistance deemed necessary by the Commissioner of Social Services and the Labor Commissioner to carry out their respective responsibilities to serve such persons under the programs administered by the Labor Department that are designed to serve applicants for or recipients of state-administered general assistance, (6) to any authorized representative of the Commissioner of Mental Health and Addiction Services for the purposes of the behavioral health managed care program established by section 17a-453, (7) to any authorized

House Bill No. 5597

representative of the Commissioner of Public Health to carry out his or her respective responsibilities under programs that regulate child day care services or youth camps, (8) to a health insurance provider, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information concerning a child and the custodial parent of such child that is necessary to enroll such child in a health insurance plan available through such provider when the noncustodial parent of such child is under court order to provide health insurance coverage but is unable to provide such information, provided the Commissioner of Social Services determines, after providing prior notice of the disclosure to such custodial parent and an opportunity for such parent to object, that such disclosure is in the best interests of the child, (9) to any authorized representative of the Department of Correction, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information concerning noncustodial parents that is necessary to identify inmates or parolees with IV-D support cases who may benefit from Department of Correction educational, training, skill building, work or rehabilitation programming that will significantly increase an inmate's or parolee's ability to fulfill such inmate's support obligation, (10) to any authorized representative of the Judicial Branch, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information concerning noncustodial parents that is necessary to: (A) Identify noncustodial parents with IV-D support cases who may benefit from educational, training, skill building, work or rehabilitation programming that will significantly increase such parent's ability to fulfill such parent's support obligation, (B) assist in the administration of the Title IV-D child support program, or (C) assist in the identification of cases involving family violence, (11) to any authorized representative of the State Treasurer, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information that is necessary to identify child support obligors who owe overdue child support prior to the Treasurer's payment of

House Bill No. 5597

such obligors' claim for any property unclaimed or presumed abandoned under part III of chapter 32, or (12) to any authorized representative of the [Commissioner of Housing for the purpose of verifying whether an applicant for the renters rebate program established by section 12-170d is a recipient of cash assistance from the Department of Social Services and the amount of such assistance] Secretary of the Office of Policy and Management any information necessary for the implementation and operation of the renters rebate program established by section 12-170d. No such representative shall disclose any information obtained pursuant to this section, except as specified in this section. Any applicant for assistance provided through said department shall be notified that, if and when such applicant receives benefits, the department will be providing law enforcement officials with the address of such applicant upon the request of any such official pursuant to section 17b-16a.

Sec. 54. Section 8-37qqq of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Annually, on or before March thirty-first, the Commissioner of Housing shall submit a report to the Governor and the General Assembly, in accordance with the provisions of section 11-4a. Not later than thirty days after submission of the report to the Governor and the General Assembly, said commissioner shall post the report on the Department of Housing's Internet web site. [Said] Such report shall include, but not be limited to, the following information with regard to the activities of the Department of Housing during the preceding state fiscal year:

(1) An analysis of the community development portfolio of the department, including:

(A) A list of the names, addresses and locations of all recipients of

House Bill No. 5597

the department's assistance;

(B) The following information concerning each recipient of such assistance: (i) Amount of state investment, (ii) a summary of the terms and conditions for the department's assistance, including the type and amount of state financial assistance, and (iii) the amount of investments from private and other nonstate resources that have been leveraged by such assistance; and

(C) An investment analysis, including (i) total active portfolio value, (ii) total investments made in the preceding state fiscal year, (iii) total portfolio by municipality, (iv) total investments made in the preceding state fiscal year categorized by municipality, (v) total portfolio leverage ratio, and (vi) leverage ratio of the total investments made in the preceding state fiscal year.

(2) With regard to the department's housing-development-related functions and activities:

(A) A brief description and assessment of the state's housing market during the preceding state fiscal year, utilizing the most recent and reasonably available data, including, but not limited to, (i) a brief description of the significant characteristics of such market, including supply, demand and condition and cost of housing, and (ii) any other information that the commissioner deems appropriate;

(B) A comprehensive assessment of current and future needs for rental assistance under section 8-119kk for housing projects for the elderly and disabled, in consultation with the Connecticut Housing Finance Authority;

(C) An analysis of the progress of the public and private sectors toward meeting housing needs in the state, using building permit data from the United States Census Bureau and demolition data from Connecticut municipalities;

House Bill No. 5597

(D) A list of municipalities that meet the affordable housing criteria set forth in subsection (k) of section 8-30g and in regulations adopted by the commissioner pursuant to said section. For the purpose of determining the percentage required by subsection (k) of said section, the commissioner shall use as the denominator the number of dwelling units in the municipality, as reported in the most recent United States decennial census; and

(E) A statement of the department's housing development objectives, measures of program success and standards for granting financial and nonfinancial assistance under programs administered by said commissioner.

(3) A presentation of the state-funded housing development portfolio of the department, including:

(A) A list of the names, addresses and locations of all recipients of such assistance; and

(B) For each such recipient, (i) a summary of the terms and conditions for the assistance, including the type and amount of state financial assistance, (ii) the amount of investments from private and other nonstate sources that have been leveraged by the assistance, (iii) the number of new units to be created and the number of units to be preserved at the time of the application, and (iv) the number of actual new units created and number of units preserved.

(4) An analysis of the state-funded housing development portfolio of the department, including:

(A) An investment analysis, including the (i) total active portfolio value, (ii) total investment made in the preceding state fiscal year, (iii) portfolio dollar per new unit created, (iv) estimated dollars per new unit created for projects receiving an assistance award in the preceding state fiscal year, (v) portfolio dollars per unit preserved, (vi) estimated

House Bill No. 5597

dollar per unit preserved for projects receiving an assistance award in the preceding state fiscal year, (vii) portfolio leverage ratio, and (viii) leverage ratio for housing development investments made in the preceding state fiscal year; and

(B) A production and preservation analysis, including (i) the total number of units created, itemized by municipality, for the total portfolio and projects receiving an assistance award in the preceding state fiscal year, (ii) the total number of elderly units created for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (iii) the total number of family units created for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (iv) the total number of units preserved, itemized by municipality, for the total portfolio and projects receiving an assistance award in the preceding state fiscal year, (v) the total number of elderly units preserved for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (vi) the total number of family units preserved for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (vii) an analysis by income group of households served by the department's housing construction, substantial rehabilitation, purchase and rental assistance programs, for each housing development, if applicable, and for each program, including number of households served under each program by race and data for all households, and (viii) a summary of the department's efforts in promoting fair housing choice and racial and economic integration, including data on the racial composition of the occupants and persons on the waiting list of each housing project that is assisted under any housing program established by the general statutes or a special act or that is supervised by the department, provided no information shall be required to be disclosed by any occupant or person on a waiting list for the preparation of such summary. As used in this subparagraph, "elderly units" means dwelling units for which

House Bill No. 5597

occupancy is restricted by age, and "family units" means dwelling units for which occupancy is not restricted by age.

(5) An economic impact analysis of the department's housing development efforts and activities, including, but not limited to:

(A) The contribution of such efforts and activities to the gross state product;

(B) The direct and indirect employment created by the investments for the total housing development portfolio and for any investment activity for such portfolio occurring in the preceding state fiscal year; and

(C) Personal income in the state.

(6) With regard to the Housing Trust Fund and Housing Trust Fund program, as those terms are defined in section 8-336m:

(A) Activities for the prior fiscal year of the Housing Trust Fund and the Housing Trust Fund program; and

(B) The efforts of the department to obtain private support for the Housing Trust Fund and the Housing Trust Fund program.

(7) With regard to the department's energy conservation loan program:

(A) The number of loans or deferred loans made during the preceding fiscal year under each component of such program and the total amount of the loans or deferred loans made during such fiscal year under each such component;

(B) A description of each step of the loan or deferred loan application and review process;

House Bill No. 5597

(C) The location of each loan or deferred loan application intake site for such program;

(D) The average time period for the processing of loan or deferred loan applications during such fiscal year; and

(E) The total administrative expenses of such program for such fiscal year.

(8) A summary of the total social and economic impact of the department's efforts and activities in the areas of community and housing development, and an assessment of the department's performance in terms of meeting its stated goals and objectives.

[(9) With regard to the department's state program of grants to elderly renters under sections 12-170d and 12-170e, which shall be submitted annually by the Commissioner of Housing to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding:

(A) The total number of qualified participants and total benefits allowed, subdivided to reflect such totals with respect to each of the income brackets as included in the schedule of benefits and married and unmarried participants;

(B) Applicable to the preceding calendar year, the total number of persons in the state program of grants for elderly renters who received benefits within the limits of each bracket in the following schedule, including the number of persons receiving the maximum and the minimum amount of grant:

Amount of State Grant Allowed			
Married Renters		Unmarried Renters	
Over	Not Exceeding	Over	Not Exceeding
\$	\$ 100 (Minimum)	\$	\$ 100 (Minimum)

House Bill No. 5597

100	200	100	200
200	300	200	300
300	400	300	400
400	500	400	500
500	600	500	600
600	700	600	699
700	800		700 (Maximum)
800	899		
	900 (Maximum)]		

(b) Any annual report that is required from the department by any provision of the general statutes shall be incorporated into the annual report provided pursuant to subsection (a) of this section.

Sec. 55. Section 3-65a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Within one hundred eighty days before a presumption of abandonment is to take effect in respect to property subject to section 3-60b or 3-60c and within one year before a presumption of abandonment is to take effect in respect to all other property subject to this part, and if the owner's claim is not barred by law, the holder shall notify the owner thereof, by first class mail directed to the owner's last-known address, that evidence of interest must be indicated as required by this part or such property will be transferred to the Treasurer and will be subject to escheat to the state.

(b) Within ninety days after the close of the calendar year in which property is presumed abandoned, the holder shall pay or deliver such property to the Treasurer and file, on forms which the Treasurer shall provide, a report of unclaimed property. Each report shall be verified and shall include: (1) The name, if known, and last-known address, if any, of each person appearing to be the owner of such property; (2) in case of unclaimed funds of an insurance company, the full name of the insured or annuitant and beneficiary and his or her last-known

House Bill No. 5597

address appearing on the insurance company's records; (3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due except that the holder shall report in the aggregate items having a value of less than fifty dollars; (4) the date when the property became payable, demandable or returnable and the date of the last transaction with the owner with respect to the property; (5) if the holder is a successor to other holders, or if the holder has changed the holder's name, all prior known names and addresses of each holder of the property; and (6) such other information as the Treasurer may require.

(c) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(d) The Treasurer shall keep a permanent record of all reports submitted to the Treasurer.

(e) Except for claims paid under section 3-67a and except as provided in subsection (e) of section 3-70a, no owner shall be entitled to any interest, income or other increment which may accrue to property presumed abandoned from and after the date of payment or delivery to the Treasurer.

(f) The Treasurer may decline to receive any property the value of which is less than the cost of giving notice or holding sale, or may postpone taking possession until a sufficient sum accumulates.

(g) The Treasurer, or any officer or agency designated by the Treasurer, may examine any person on oath or affirmation, or the records of any person or any agent of the person including, but not limited to, a dividend disbursement agent or transfer agent of a business association, banking organization or insurance company that

House Bill No. 5597

is the holder of property presumed abandoned to determine whether the person or agent has complied with this part. The Treasurer may conduct the examination even if the person or agent believes the person or agent is not in possession of any property that must be paid, delivered or reported under this part. The Treasurer may bring an action in a court of appropriate jurisdiction to enforce the provisions of this part.

(h) Upon request of the holder, the Treasurer may approve the aggregate reporting on an estimated basis of two hundred or more items in each of one or more categories of unclaimed funds whenever it appears to the Treasurer that each of the items in any such category has a value of more than ten dollars but less than fifty dollars and the cost of reporting such items would be disproportionate to the amounts involved. Any holder electing to so report any such category in the aggregate shall assume responsibility for any valid claim presented within twenty years after the year in which the items in such category are presumed abandoned.

(i) A record of the issuance of a check, draft or similar instrument is prima facie evidence of the obligation represented by the check, draft or similar instrument. In claiming property from a holder who is also the issuer, the Treasurer's burden of proof as to the existence and amount of the property and its abandonment is satisfied by showing issuance of the instrument and passage of the requisite period of abandonment. Defenses of payment, satisfaction, discharge and want of consideration are affirmative defenses that shall be established by the holder.

(j) Notwithstanding the provisions of subsection (b) of this section, the holder of personal property presumed abandoned pursuant to subdivision (5) of subsection (a) of section 3-57a shall (1) sell such property and pay the proceeds arising from such sale, excluding any charges that may lawfully be withheld, to the Treasurer, unless such

House Bill No. 5597

property consists of military medals, in which case such property shall not be sold, and (2) provide the Treasurer with records deemed appropriate by the Treasurer of property so presumed abandoned. A holder of such property may contract with a third party to store and sell such property and to pay the proceeds arising from such sale, excluding any charges that may be lawfully withheld, to the Treasurer, provided the third party holds a surety bond or other form of insurance coverage with respect to such activities. Any holder who sells such property and remits the excess proceeds to the Treasurer or who transmits such property to a bonded or insured third party for such purposes, shall not be responsible for any claims related to the sale or transmission of the property or proceeds to the Treasurer. If the Treasurer exempts any such property from being remitted or sold pursuant to this subsection, whether by regulations or guidelines, the holder of such property may dispose of such property in any manner such holder deems appropriate and such holder shall not be responsible for any claims related to the disposition of such property or any claims to the property itself. For purposes of this subsection, charges that may lawfully be withheld include costs of storage, appraisal, advertising and sales commissions as well as lawful charges owing under the contract governing the safe deposit box rental.

(k) In the event military medals are presumed abandoned pursuant to subdivision (5) of subsection (a) of section 3-57a, a banking or financial organization shall transmit such medals to the Department of Veterans' Affairs in accordance with procedures established by the Treasurer. The Treasurer and Commissioner of Veterans' Affairs shall enter into a memorandum of understanding concerning the handling of such medals and the Department of Veterans' Affairs shall hold such medals in custody pursuant to such memorandum. The Treasurer may make any information obtained pursuant to this section, including any photograph or other visual depiction of a military medal but excluding Social Security numbers, available to the public to

House Bill No. 5597

facilitate the identification of the original owner of such medal or such owner's heirs or beneficiaries.

Sec. 56. Subsection (a) of section 10-292q of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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 Administrative Services, or the commissioner's designee, and (3) [three] five 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, one of whom shall be a person with experience in school safety, and one of whom shall be a person with experience with the administration of the State Building Code. The chairperson of the council shall be the Commissioner of Administrative Services, or the commissioner's designee. A person employed by the Department of Administrative 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.

Sec. 57. Section 27-138 of the 2014 supplement to the general statutes, as amended by section 121 of public act 13-247, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Soldiers, Sailors and Marines Fund shall remain as established and shall be in the custody of the Treasurer as trustee of the fund and shall be administered by the American Legion. The Treasurer shall invest the fund and shall reinvest as much of the fund as is not required for current disbursement in accordance with the provisions of [part I of chapter 32] this section. The interest

House Bill No. 5597

accumulations of the fund so held in trust or [so much thereof as is found necessary] the corpus of the fund, to the extent that the interest accumulations of such fund are insufficient to carry out the purposes [hereinafter stated] of this section shall be [paid] disbursed to the American Legion, [who shall disburse the same] which shall utilize such funds as specified in subsection (b) of this section, and the balance of said [accumulations, except for a reserve of one hundred thousand dollars held in custody of the trustee for contingent purposes,] funds shall at the end of each fiscal year be added to the principal of the fund. [Payments] Disbursements to the American Legion shall be made at such definite and stated periods as are necessary to meet the convenience of the American Legion and said trustee; but each [payment] disbursement shall be made upon the order of the American Legion, approved by at least two of its executive officers or of a special committee thereof thereunto specially authorized. The American Legion may consult with the Treasurer concerning investment of the fund. [Up to three hundred thousand dollars of the interest accumulation may be utilized by the American Legion to administer the fund, provided no additional part of the interest accumulation of the fund shall be expended for the purpose of maintaining the American Legion.]

(b) The Treasurer shall disburse not less than two million dollars annually to the American Legion in accordance with subsection (a) of this section. Such disbursement shall be made initially from interest accumulations of the fund. If such interest accumulations are less than two million dollars, the Treasurer shall disburse such amount of the corpus of the fund as is necessary to equal two million dollars. The American Legion shall utilize such amount for the purposes specified under section 27-140. None of such amount may be used by the American Legion for expenses of administering or operating the fund. The balance of any funds not expended by the end of each fiscal year shall be added to the corpus of the fund.

House Bill No. 5597

(c) The American Legion shall promptly turn over all gifts, bequests and donations received by it in support of the Soldiers, Sailors and Marines Fund to the Treasurer, and the amounts of such gifts, bequests and donations shall be added to the corpus of the fund.

Sec. 58. Section 27-138a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The [treasurer of the American Legion as] administrator of the Soldiers, Sailors and Marines Fund [may] shall make available: [at each town clerk's office] (1) Online, a copy of the regulations of the fund and the bylaws of the American Legion, and (2) at each town clerk's office, applications for aid from the fund.

Sec. 59. Section 27-138b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Any applicant denied aid under section 27-140 shall be given written notice by registered mail by the administrator of the Soldiers, Sailors and Marines Fund stating the reasons for such denial. The applicant may, within [ten] fifteen days of the date of the mailing of such notice, make a request in writing by registered mail directed to the administrator for a hearing on such denial. The administrator shall notify the applicant in writing, within five days of the receipt of the request, of the place and date of hearing, which hearing shall be held not less than thirty days from the date of mailing of the notice. The hearing may be conducted by the administrator or by a hearing officer appointed by the administrator in writing. The applicant shall be entitled to be represented by counsel and a transcript or audio or audiovisual recording of the hearing shall be made by the administrator. If the hearing is conducted by a hearing officer, he shall state his findings and make recommendation to the administrator on the issue of the denial of the application. The administrator, based upon such findings and recommendations of the hearing officer, or

House Bill No. 5597

after a hearing conducted by him, shall render a decision in writing denying the application or granting it in accordance with the regulations of the Soldiers, Sailors and Marines Fund. A copy of such decision shall be sent by registered mail to the applicant. An applicant aggrieved by said decision may appeal therefrom as provided in section 27-138c.

Sec. 60. Section 27-138c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Any person aggrieved by a decision of the administrator rendered under section 27-138b may appeal such decision to a review board composed of [the Adjutant General or his or her designee, the Attorney General or his or her designee, and the Commissioner of Veterans' Affairs or his or her designee] no fewer than three members of the American Legion State Fund Commission as specified in the bylaws of the American Legion. All appeals taken pursuant to this section shall be based solely upon the record of the hearing conducted pursuant to section 27-138b. A person aggrieved by a decision of the review board may appeal to the Superior Court, [pursuant to the provisions of chapter 54.]

Sec. 61. Section 27-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

All money so paid to and received by the American Legion shall be expended by it in furnishing temporary income; subsistence items such as food, wearing apparel, shelter and related expenses; medical or surgical aid or care or relief to, or in bearing the funeral expenses of, soldiers, sailors or marines who performed service in time of war, as defined in subsection (a) of section 27-103, in any branch of the military service of the United States, including the Connecticut National Guard, or who were engaged in any of the wars waged by the United States during said periods in the forces of any government

House Bill No. 5597

associated with the United States, who have been honorably discharged therefrom or honorably released from active service therein, and who were citizens or resident aliens of the state at the time of entering said armed forces of the United States, including the Connecticut National Guard, or of any such government, or to their spouses who are living with them, or to their widows or widowers who were living with them at the time of death, or dependent children under eighteen years of age, who may be in need of the same. All such payments shall be made by the American Legion under authority of its bylaws, which bylaws shall set forth the procedure for proof of eligibility for such aid, provided payments made for the care and treatment of any person entitled to the benefits provided for herein, at any hospital receiving aid from the General Assembly unless special care and treatment are required, shall be in accordance with the provisions of section 17b-239, and provided the sum expended for the care or treatment of such person at any other place than a state-aided hospital shall in no case exceed the actual cost of supporting such person at the Veterans' Home, unless special care and treatment are required, when such sum as may be determined by the treasurer of such organization may be paid therefor. [The treasurer of such organization shall account to the Governor and the General Assembly during the months of January, April, July and October for all moneys disbursed by it during the three months next preceding the first day of either of said months, and such account shall show the amount of and the name and address of each person to whom such aid has been furnished.] Upon the completion of the trust provided for in section 27-138, the principal fund shall revert to the State Treasury.

Sec. 62. Section 27-138e of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The American Legion shall, on or before January fifteenth

House Bill No. 5597

[biennially] annually, cause an independent audit to be conducted of the expenditures of the Soldiers, Sailors and Marines Fund, described in section 27-138. Such audit shall be conducted in accordance with sections 4-230 to 4-236, inclusive, and regulations adopted pursuant to section 4-236. The audit report shall include: (1) [A detailed description of the fund investments; (2) a description of investment returns, including interest, dividends, realized capital gains and unrealized capital gains organized by investment type; (3) a] A list of [operating] expenditures authorized pursuant to section 27-140 that describes the type, and includes the assistance amount and the number of recipients, of each expenditure for each month; [(4) a list of the number of grant recipients each month; (5) the fund balance for the current year, the amount of interest earned for the current year, the estimated fund balance for the subsequent year and the estimated interest earned for the subsequent year; and (6) any other information that is required to be reported to the Treasurer] and (2) a detailed description of the administrative and operating expenditures incurred by the American Legion in administering the fund, along with the names, titles and compensation of all staff administering the operations of the fund.

(b) Not later than seven business days after the date on which the American Legion receives the audit report of the independent audit described in subsection (a) of this section, the American Legion shall submit to the [Treasurer] Auditors of Public Accounts, the Office of Policy and Management, and the joint standing committees of the General Assembly having cognizance of matters relating to [finance, revenue and bonding] appropriations and the budgets of state agencies and veterans' and military affairs a copy of such report. The American Legion shall make such report available to the public in [a paper and] an electronic format.

Sec. 63. (NEW) (*Effective July 1, 2014*) All furnishings, equipment, and supplies in the possession of the Soldiers, Sailors and Marines

House Bill No. 5597

Fund on June 30, 2014, shall be transferred to the American Legion at no cost to the American Legion. All documents in the possession of the Soldiers, Sailors and Marines Fund on June 30, 2014, shall be retained by the state in accordance with the state's record retention requirements unless the State Librarian authorizes the administrator of the fund to retain temporary custody of such documents subject to any conditions said librarian may impose.

Sec. 64. (NEW) (*Effective July 1, 2014*) With the approval of the Department of Administrative Services, the American Legion may utilize office space in state-owned or state-leased buildings, subject to reasonable office rental or lease costs. On and after July 1, 2014, with the approval of the Department of Administrative Services and the Office of Policy and Management, the American Legion shall not be charged for offices in locations where such space was provided on an in-kind basis as of June 30, 2014.

Sec. 65. (*Effective July 1, 2014*) American Legion personnel with access to the CORE-CT system as of June 30, 2014, may, with the approval of the Comptroller, continue to have such access during the fiscal year ending June 30, 2015, for the purposes of the orderly transition of accounting, human resources, payroll and other functions during such fiscal year.

Sec. 66. Section 19a-7j of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Not later than September first, annually, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Health, shall (1) determine the amount appropriated for the following purposes: (A) To purchase, store and distribute vaccines for routine immunizations included in the schedule for active immunization required by section 19a-7f; (B) to purchase,

House Bill No. 5597

store and distribute (i) vaccines to prevent hepatitis A and B in persons of all ages, as recommended by the schedule for immunizations published by the National Advisory Committee for Immunization Practices, (ii) antibiotics necessary for the treatment of tuberculosis and biologics and antibiotics necessary for the detection and treatment of tuberculosis infections, and (iii) antibiotics to support treatment of patients in communicable disease control clinics, as defined in section 19a-216a; (C) to administer the immunization program described in section 19a-7f; and (D) to provide services needed to collect up-to-date information on childhood immunizations for all children enrolled in Medicaid who reach two years of age during the year preceding the current fiscal year, to incorporate such information into the childhood immunization registry, as defined in section 19a-7h, [and] (2) calculate the difference between the amount expended in the prior fiscal year for the purposes set forth in subdivision (1) of this subsection and the amount of the appropriation used for the purpose of the health and welfare fee established in subparagraph (A) of subdivision (2) of subsection (b) of this section in that same year, and (3) inform the Insurance Commissioner of such [amount] amounts.

(b) (1) As used in this subsection, (A) "health insurance" means health insurance of the types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469, and (B) "exempt insurer" means a domestic insurer that administers self-insured health benefit plans and is exempt from third-party administrator licensure under subparagraph (C) of subdivision (11) of section 38a-720 and section 38a-720a.

(2) (A) Each domestic insurer or health care center doing health insurance business in this state shall annually pay to the Insurance Commissioner, for deposit in the [General Fund] Insurance Fund established under section 38a-52a, a health and welfare fee assessed by the Insurance Commissioner pursuant to this section.

(B) Each third-party administrator licensed pursuant to section 38a-

House Bill No. 5597

720a that provides administrative services for self-insured health benefit plans and each exempt insurer shall, on behalf of the self-insured health benefit plans for which such third-party administrator or exempt insurer provides administrative services, annually pay to the Insurance Commissioner, for deposit in the [General Fund] Insurance Fund established under section 38a-52a, a health and welfare fee assessed by the Insurance Commissioner pursuant to this section.

(3) Not later than September first, annually, each such insurer, health care center, third-party administrator and exempt insurer shall report to the Insurance Commissioner, on a form designated by said commissioner, the number of insured or enrolled lives in this state as of May first immediately preceding for which such insurer, health care center, third-party administrator or exempt insurer is providing health insurance or administering a self-insured health benefit plan that provides coverage of the types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469. Such number shall not include lives enrolled in Medicare, any medical assistance program administered by the Department of Social Services, workers' compensation insurance or Medicare Part C plans.

(4) Not later than November first, annually, the Insurance Commissioner shall determine the fee to be assessed for the current fiscal year against each such insurer, health care center, third-party administrator and exempt insurer. Such fee shall be calculated by multiplying the number of lives reported to said commissioner pursuant to subdivision (3) of this subsection by a factor, determined annually by said commissioner as set forth in this subdivision, to fully fund the amount determined under subsection (a) of this section, adjusted for a health and welfare fee, by subtracting, if the amount appropriated was more than the amount expended or by adding, if the amount expended was more than the amount appropriated, the

House Bill No. 5597

amount calculated under subdivision (2) of subsection (a) of this section. The Insurance Commissioner shall determine the factor by dividing [such] the adjusted amount by the total number of lives reported to said commissioner pursuant to subdivision (3) of this subsection.

(5) (A) Not later than December first, annually, the Insurance Commissioner shall submit a statement to each such insurer, health care center, third-party administrator and exempt insurer that includes the proposed fee, identified on such statement as the "Health and Welfare fee", for the insurer, health care center, third-party administrator or exempt insurer calculated in accordance with this subsection. Each such insurer, health care center, third-party administrator and exempt insurer shall pay such fee to the Insurance Commissioner not later than February first, annually.

(B) Any such insurer, health care center, third-party administrator or exempt insurer aggrieved by an assessment levied under this subsection may appeal therefrom in the same manner as provided for appeals under section 38a-52.

(6) Any insurer, health care center, third-party administrator or exempt insurer that fails to file the report required under subdivision (3) of this subsection shall pay a late filing fee of one hundred dollars per day for each day from the date such report was due. The Insurance Commissioner may require an insurer, health care center, third-party administrator or exempt insurer subject to this subsection to produce the records in its possession, and may require any other person to produce the records in such person's possession, that were used to prepare such report, for said commissioner's or said commissioner's designee's examination. If said commissioner determines there is other than a good faith discrepancy between the actual number of insured or enrolled lives that should have been reported under subdivision (3) of this subsection and the number actually reported, such insurer, health

House Bill No. 5597

care center, third-party administrator or exempt insurer shall pay a civil penalty of not more than fifteen thousand dollars for each report filed for which said commissioner determines there is such a discrepancy.

Sec. 67. (*Effective from passage*) Notwithstanding the provisions of section 16-41 of the general statutes, the amount of the settlement executed prior to June 30, 2014, between the office of the Attorney General and an electricity supplier shall be deposited into a separate nonlapsing account to fund activity by the Public Utilities Regulatory Authority for expenses relating to consumer assistance, consumer education and enforcement activity relating to electricity suppliers. Funds from the account shall be made available to the authority following the approval of the Secretary of the Office of Policy and Management. The authority shall only use such funds for the purposes, in such amounts and at such times as approved by the secretary.

Sec. 68. (*Effective from passage*) (a) Not later than September 1, 2014 and December 1, 2014, the Board of Regents for Higher Education shall appear before the joint standing committees of the General Assembly having cognizance of matters relating to higher education and appropriations to report on expenditures and programming that is related to developmental education, the Go Back to Get Ahead program, the state's early college/dual enrollment program and the transformation of the Connecticut State College and University System.

(b) Not later than October 1, 2014, and monthly thereafter until June 1, 2015, the Board of Regents for Higher Education shall provide written reports, 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 higher education and appropriations and to the Office of Policy and Management on

House Bill No. 5597

expenditures and programming that is related to developmental education, the Go Back to Get Ahead program, the state's early college/dual enrollment program and the transformation of the Connecticut State College and University System.

Sec. 69. Section 38a-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

All domestic insurance companies and other domestic entities subject to taxation under chapter 207 shall, in accordance with section 38a-48, annually pay to the Insurance Commissioner, for deposit in the Insurance Fund established under section 38a-52a, an amount equal to the actual expenditures made by the Insurance Department during each fiscal year, and the actual expenditures made by the Office of the Healthcare Advocate, including the cost of fringe benefits for department and office personnel as estimated by the Comptroller, plus (1) the expenditures made on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 for such year, and (2) the amount appropriated to the Department [of Social Services] on Aging for the fall prevention program established in section 17b-33 from the Insurance Fund for the fiscal year, but excluding expenditures paid for by fraternal benefit societies, foreign and alien insurance companies and other foreign and alien entities under sections 38a-49 and 38a-50. Payments shall be made by assessment of all such domestic insurance companies and other domestic entities calculated and collected in accordance with the provisions of section 38a-48. Any such domestic insurance company or other domestic entity aggrieved because of any assessment levied under this section may appeal therefrom in accordance with the provisions of section 38a-52.

Sec. 70. Section 38a-48 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

House Bill No. 5597

(a) On or before June thirtieth, annually, the Commissioner of Revenue Services shall render to the Insurance Commissioner a statement certifying the amount of taxes or charges imposed on each domestic insurance company or other domestic entity under chapter 207 on business done in this state during the preceding calendar year. The statement for local domestic insurance companies shall set forth the amount of taxes and charges before any tax credits allowed as provided in section 12-202.

(b) On or before July thirty-first, annually, the Insurance Commissioner and the Office of the Healthcare Advocate shall render to each domestic insurance company or other domestic entity liable for payment under section 38a-47, (1) a statement which includes (A) the amount appropriated to the Insurance Department and the Office of the Healthcare Advocate for the fiscal year beginning July first of the same year, (B) the cost of fringe benefits for department and office personnel for such year, as estimated by the Comptroller, (C) the estimated expenditures on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 for such year, and (D) the amount appropriated to the Department [of Social Services] on Aging for the fall prevention program established in section 17b-33 from the Insurance Fund for the fiscal year, (2) a statement of the total taxes imposed on all domestic insurance companies and domestic insurance entities under chapter 207 on business done in this state during the preceding calendar year, and (3) the proposed assessment against that company or entity, calculated in accordance with the provisions of subsection (c) of this section, provided that for the purposes of this calculation the amount appropriated to the Insurance Department and the Office of the Healthcare Advocate plus the cost of fringe benefits for department and office personnel and the estimated expenditures on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 shall be deemed to be the actual expenditures

House Bill No. 5597

of the department and the office, and the amount appropriated to the Department [of Social Services] on Aging from the Insurance Fund for the fiscal year for the fall prevention program established in section 17b-33 shall be deemed to be the actual expenditures for the program.

(c) (1) The proposed assessments for each domestic insurance company or other domestic entity shall be calculated by (A) allocating twenty per cent of the amount to be paid under section 38a-47 among the domestic entities organized under sections 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, in proportion to their respective shares of the total taxes and charges imposed under chapter 207 on such entities on business done in this state during the preceding calendar year, and (B) allocating eighty per cent of the amount to be paid under section 38a-47 among all domestic insurance companies and domestic entities other than those organized under sections 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, in proportion to their respective shares of the total taxes and charges imposed under chapter 207 on such domestic insurance companies and domestic entities on business done in this state during the preceding calendar year, provided if there are no domestic entities organized under sections 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, at the time of assessment, one hundred per cent of the amount to be paid under section 38a-47 shall be allocated among such domestic insurance companies and domestic entities.

(2) When the amount any such company or entity is assessed pursuant to this section exceeds twenty-five per cent of the actual expenditures of the Insurance Department and the Office of the Healthcare Advocate, such excess amount shall not be paid by such company or entity but rather shall be assessed against and paid by all other such companies and entities in proportion to their respective shares of the total taxes and charges imposed under chapter 207 on business done in this state during the preceding calendar year, except

House Bill No. 5597

that for purposes of any assessment made to fund payments to the Department of Public Health to purchase vaccines, such company or entity shall be responsible for its share of the costs, notwithstanding whether its assessment exceeds twenty-five per cent of the actual expenditures of the Insurance Department and the Office of the Healthcare Advocate. The provisions of this subdivision shall not be applicable to any corporation which has converted to a domestic mutual insurance company pursuant to section 38a-155 upon the effective date of any public act which amends said section to modify or remove any restriction on the business such a company may engage in, for purposes of any assessment due from such company on and after such effective date.

(d) For purposes of calculating the amount of payment under section 38a-47, as well as the amount of the assessments under this section, the "total taxes imposed on all domestic insurance companies and other domestic entities under chapter 207" shall be based upon the amounts shown as payable to the state for the calendar year on the returns filed with the Commissioner of Revenue Services pursuant to chapter 207; with respect to calculating the amount of payment and assessment for local domestic insurance companies, the amount used shall be the taxes and charges imposed before any tax credits allowed as provided in section 12-202.

(e) On or before September thirtieth, annually, for each fiscal year ending prior to July 1, 1990, the Insurance Commissioner and the Healthcare Advocate, after receiving any objections to the proposed assessments and making such adjustments as in their opinion may be indicated, shall assess each such domestic insurance company or other domestic entity an amount equal to its proposed assessment as so adjusted. Each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner on or before October thirty-first an amount equal to fifty per cent of its assessment adjusted to

House Bill No. 5597

reflect any credit or amount due from the preceding fiscal year as determined by the commissioner under subsection (g) of this section. Each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner on or before the following April thirtieth, the remaining fifty per cent of its assessment.

(f) On or before September first, annually, for each fiscal year ending after July 1, 1990, the Insurance Commissioner and the Healthcare Advocate, after receiving any objections to the proposed assessments and making such adjustments as in their opinion may be indicated, shall assess each such domestic insurance company or other domestic entity an amount equal to its proposed assessment as so adjusted. Each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner (1) on or before June 30, 1990, and on or before June thirtieth annually thereafter, an estimated payment against its assessment for the following year equal to twenty-five per cent of its assessment for the fiscal year ending such June thirtieth, (2) on or before September thirtieth, annually, twenty-five per cent of its assessment adjusted to reflect any credit or amount due from the preceding fiscal year as determined by the commissioner under subsection (g) of this section, and (3) on or before the following December thirty-first and March thirty-first, annually, each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner the remaining fifty per cent of its proposed assessment to the department in two equal installments.

(g) If the actual expenditures for the fall prevention program established in section 17b-33 are less than the amount allocated, the Commissioner [of Social Services] on Aging shall notify the Insurance Commissioner and the Healthcare Advocate. Immediately following the close of the fiscal year, the Insurance Commissioner and the Healthcare Advocate shall recalculate the proposed assessment for each domestic insurance company or other domestic entity in

House Bill No. 5597

accordance with subsection (c) of this section using the actual expenditures made by the Insurance Department and the Office of the Healthcare Advocate during that fiscal year, the actual expenditures made on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 and the actual expenditures for the fall prevention program. On or before July thirty-first, the Insurance Commissioner and the Healthcare Advocate shall render to each such domestic insurance company and other domestic entity a statement showing the difference between their respective recalculated assessments and the amount they have previously paid. On or before August thirty-first, the Insurance Commissioner and the Healthcare Advocate, after receiving any objections to such statements, shall make such adjustments which in their opinion may be indicated, and shall render an adjusted assessment, if any, to the affected companies.

(h) If any assessment is not paid when due, a penalty of twenty-five dollars shall be added thereto, and interest at the rate of six per cent per annum shall be paid thereafter on such assessment and penalty.

(i) The commissioner shall deposit all payments made under this section with the State Treasurer. On and after June 6, 1991, the moneys so deposited shall be credited to the Insurance Fund established under section 38a-52a and shall be accounted for as expenses recovered from insurance companies.

Sec. 71. Section 17a-468a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Mental Health and Addiction Services may, within available appropriations, provide housing subsidies to persons receiving services from the Department of Mental Health and Addiction Services who [require supervised living arrangements] qualify for supportive housing in accordance with section 17a-485c.

House Bill No. 5597

The commissioner may allow an agency that distributes such housing subsidies on behalf of the department to utilize any unexpended moneys that remain at the end of the fiscal year to provide housing subsidies to eligible persons in the subsequent fiscal year.

Sec. 72. Subsection (a) of section 17b-802 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Commissioner of Housing shall establish, within available appropriations, and administer a security deposit guarantee program for persons who (1) (A) are recipients of temporary family assistance, aid under the state supplement program, or state-administered general assistance, or (B) have a documented showing of financial need, and (2) (A) are residing in emergency shelters or other emergency housing, cannot remain in permanent housing due to any reason specified in subsection (a) of section 17b-808, or are served a writ, summons and complaint in a summary process action instituted pursuant to chapter 832, or (B) have a certificate or voucher from a rental assistance program or federal Section 8 [certificate or voucher] program. Under [such] the security deposit guarantee program, the Commissioner of Housing may provide security deposit guarantees for use by such persons in lieu of a security deposit on a rental dwelling unit. Eligible persons may receive a security deposit guarantee in an amount not to exceed the equivalent of two months' rent on such rental unit. No person may apply for and receive a security deposit guarantee more than once in any eighteen-month period without the express authorization of the Commissioner of Housing, except as provided in subsection (b) of this section. The Commissioner of Housing may deny eligibility for the security deposit guarantee program to an applicant for whom the commissioner has paid two claims by landlords. The Commissioner of Housing shall prioritize provision of security deposit guarantees to eligible veterans and may establish priorities for

House Bill No. 5597

providing security deposit guarantees to other eligible persons described in subparagraphs (A) and (B) of subdivision (2) of this subsection in order to administer the program within available appropriations.

Sec. 73. Section 17b-617 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Commissioner of Social Services shall, within available appropriations, establish and operate a state-funded pilot program to allow not more than [fifty] one hundred persons with disabilities (1) who are age eighteen to sixty-four, inclusive, (2) who are inappropriately institutionalized or at risk of inappropriate institutionalization, and (3) whose assets do not exceed the asset limits of the state-funded home care program for the elderly, established pursuant to subsection (i) of section 17b-342, to be eligible to receive the same services that are provided under the state-funded home care program for the elderly. At the discretion of the Commissioner of Social Services, such persons may also be eligible to receive services that are necessary to meet needs attributable to disabilities in order to allow such persons to avoid institutionalization.

(b) Any person participating in the pilot program whose income exceeds two hundred per cent of the federal poverty level shall contribute to the cost of care in accordance with the methodology established for recipients of medical assistance pursuant to sections 5035.20 and 5035.25 of the department's uniform policy manual.

(c) The annualized cost of services provided to an individual under the pilot program shall not exceed fifty per cent of the weighted average cost of care in nursing homes in the state.

(d) If the number of persons eligible for the pilot program established pursuant to this section exceeds [fifty] one hundred

House Bill No. 5597

persons or if the cost of the program exceeds available appropriations, the commissioner shall establish a waiting list designed to serve applicants by order of application date.

Sec. 74. Section 17b-280a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding any provision of the general statutes, no payment shall be made under a medical assistance program administered by the Department of Social Services for over-the-counter drugs, except for (1) the medical assistance program established pursuant to section 17b-256, [for an over-the-counter drug, except for (1)] (2) insulin and insulin syringes, [(2)] (3) nutritional supplements for individuals who are required to be tube fed or who cannot safely ingest nutrition in any other form, and as may be required by federal law, [and (3)] (4) effective January 1, 2012, smoking cessation drugs as provided in section 17b-278a, and (5) over-the-counter drugs that are required to be covered pursuant to 42 CFR 440.347, including drugs for individuals with specified diagnoses that have a rating of "A" or "B" in the current recommendations of the United States Preventive Services Task Force, provided the Department of Social Services may also pay for such over-the-counter drugs under a medical assistance program or portion thereof that is not subject to 42 CFR 440.347. On or before August 1, 2011, the Commissioner of Social Services shall provide notice to pharmacists who provide services to beneficiaries of a medical assistance program administered by the department that such pharmacists may bill the department for supplies utilized in the treatment of diabetes using the durable medical equipment, medical surgical supply fee schedule. The commissioner shall provide a copy of such notice to the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies.

Sec. 75. Section 5 of public act 14-12 is repealed and the following is

House Bill No. 5597

substituted in lieu thereof (*Effective October 1, 2014*):

(a) For purposes of this section:

(1) "Advanced practice registered nurse" means a person licensed pursuant to chapter 378 of the general statutes;

(2) "Applicable manufacturer" means a manufacturer of a covered drug, device, biological, or medical supply that is operating in the United States, or in a territory, possession, or commonwealth of the United States;

(3) "Payment or other transfer of value" means a transfer of anything of value, except a transfer of anything of value that is made indirectly to an advanced practice registered nurse through a third party in connection with an activity or service in the case where the applicable manufacturer is unaware of the identity of the advanced practice registered nurse;

(4) "Covered drug, device, biological, or medical supply" means any drug, biological product, device, or medical supply for which payment is available under subchapter XVIII of chapter 7 of Title 42 of the United States Code or the state Medicaid plan under subchapter XIX or XXI of said chapter or a waiver of such a plan; and

(5) "Covered device" means any device for which payment is available under subchapter XVIII of chapter 7 of Title 42 of the United States Code or the state Medicaid plan under subchapter XIX or XXI of said chapter or a waiver of such a plan.

(b) (1) Not later than [January] July 1, 2015, and quarterly thereafter, an applicable manufacturer that provides a payment or other transfer of value to an advanced practice registered nurse, who is practicing in the state, shall submit to the Commissioner of [Public Health] Consumer Protection, in the form and manner prescribed by the

House Bill No. 5597

commissioner, the information described in 42 USC 1320a-7h, as amended from time to time.

(2) The commissioner may publish such information on the Department of [Public Health's] Consumer Protection's Internet web site.

(c) An applicable manufacturer that fails to report in accordance with this section shall be assessed a civil penalty in an amount not less than one thousand dollars or more than four thousand dollars for each payment or other transfer of value not reported.

Sec. 76. Subsection (a) of section 17b-95 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Subject to the provisions of subsection (b) of this section, upon the death of a parent of a child who has, at any time, been a beneficiary under the program of aid to families with dependent children, the temporary family assistance program or the state-administered general assistance program, or upon the death of any person who has at any time been a beneficiary of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program, except as provided in subsection (b) of section 17b-93, the state shall have a claim against such parent's or person's estate for all amounts paid on behalf of each such child or for the support of either parent or such child or such person under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program for which the state has not been reimbursed, to the extent that the amount which the surviving spouse, parent or dependent children of the decedent would otherwise take from such estate is not needed for their support.

House Bill No. 5597

Notwithstanding the provisions of this subsection, effective for services provided on or after January 1, 2014, no state claim pursuant to this section shall be made against the estate of a recipient of medical assistance under the Medicaid Coverage for the Lowest Income Populations program, established pursuant to Section 1902(a)(10)(A)(i)(VIII) of the Social Security Act, as amended from time to time, except to the extent required by federal law.

Sec. 77. (*Effective from passage*) (a) As used in this section:

(1) "Facility fee" means any fee charged or billed by a hospital or health system for outpatient hospital services provided in a hospital-based facility that is: (A) Intended to compensate the hospital or health system for the operational expenses of the hospital or health system, and (B) separate and distinct from a professional fee;

(2) "Health Care Cost Containment Committee" means the committee established in accordance with the ratified agreement between the state and the State Employees Bargaining Agent Coalition pursuant to subsection (f) of section 5-278 of the general statutes;

(3) "Health system" means (A) A parent corporation of one or more hospitals and any entity affiliated with such parent corporation through ownership, governance, membership or other means, or (B) a hospital and any entity affiliated with such hospital through ownership, governance, membership or other means;

(4) "Hospital" has the same meaning as provided in section 19a-490 of the general statutes;

(5) "Hospital-based facility" means a facility that is owned or operated, in whole or in part, by a hospital or health system where hospital or professional medical services are provided;

(6) "Professional fee" means any fee charged or billed by a provider

House Bill No. 5597

for professional medical services provided in a hospital-based facility;

(7) "Provider" means an individual, entity, corporation or health care provider, whether for profit or nonprofit, whose primary purpose is to provide professional medical services; and

(8) "Third-party administrator" has the same meaning as provided in section 38a-720 of the general statutes.

(b) Not later than December 1, 2014, the State Comptroller shall analyze the impact of facility fees and the total fees charged or billed by a hospital or health system for outpatient hospital services on group hospitalization and medical and surgical insurance plans procured pursuant to subsection (a) of section 5-259 of the general statutes. Such analysis shall include not less than five service types or categories (1) to which facility fees are charged or billed by one or more hospitals or health systems, or (2) for which the total fees charged or billed by a hospital or health system exceed those charged by other providers for comparable services.

(c) Not later than March 1, 2015, the Comptroller shall determine:

(1) In collaboration with insurers or third-party administrators that issue or administer such insurance plans, the amounts of the facility fees and the total fees charged or billed by hospitals or health systems for the selected service types or categories, on an aggregate basis and by individual hospitals and health systems;

(2) The appropriateness and reasonableness of such facility fees and total fees charged or billed to such insurance plans and the enrollees of such plans, using criteria that include, but are not limited to, (A) a comparison of the typical amount of the facility fee in proportion to the professional fee charged or billed by the provider of the medical service, (B) a comparison of the total fees charged or billed by a provider prior to and after such provider's affiliation with a hospital or

House Bill No. 5597

health system, and (C) the extent to which the facility fee or any increase in total fees charged or billed by a hospital or health system is associated with improving service to and outcomes for insurance plan enrollees; and

(3) The feasibility of removing reimbursements, beginning not later than July 1, 2015, for such fees the Comptroller has determined to be inappropriate or unreasonable.

(d) Not later than October 1, 2015, the Comptroller shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the Governor, the General Assembly and the Health Care Cost Containment Committee of the results of the analysis and determinations under subsections (b) and (c) of this section, and the impact of limiting facility fees or total fees or both on such insurance plans and enrollees of such plans.

(e) The Comptroller may consult with the Health Care Cost Containment Committee to implement the provisions of this section.

Sec. 78. (*Effective from passage*) Not later than November 1, 2014, the Commissioner of Social Services shall conduct an analysis of the cost of providing services under the Connecticut home-care program for the elderly, established pursuant to section 17b-342 of the general statutes, and the pilot program to provide home care services to persons with disabilities, established pursuant to section 17b-617 of the general statutes, which shall include a determination of the rates necessary to reimburse providers for such costs. On or before January 1, 2015, the commissioner 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 human services summarizing such analysis.

Sec. 79. (*Effective from passage*) (a) There is established a Juvenile

House Bill No. 5597

Justice Policy and Oversight Committee. The committee shall evaluate policies related to the juvenile justice system and the expansion of juvenile jurisdiction to include persons sixteen and seventeen years of age.

(b) The committee 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, children, 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 Department, 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;

House Bill No. 5597

(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 Justice Policy and Oversight Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Justice Policy and Oversight Committee;

(15) Two parents or parent advocates, at least one 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;

(16) The Child Advocate, or the Child Advocate's designee; and

(17) The Secretary of the Office of Policy and Management, or the secretary's designee.

(c) All appointments to the committee 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 from among the members serving

House Bill No. 5597

pursuant to subdivision (1) or (2) of subsection (b) of this section shall be cochairpersons of the committee. Such cochairpersons shall schedule the first meeting of the committee, which shall be held not later than sixty days after the effective date of this section.

(e) Members of the committee shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(f) Not later than January 1, 2015, the committee shall report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) Any statutory changes concerning the juvenile justice system that the committee recommends to (A) improve public safety, (B) promote the best interests of children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department; (C) improve transparency and accountability with respect to state-funded services for children and youths in the juvenile justice system with an emphasis on goals identified by the committee for community-based programs and facility-based interventions; and (D) promote the efficient sharing of information between the Department of Children and Families and the Judicial Department to ensure the regular collection and reporting of recidivism data and promote public welfare and public safety outcomes related to the juvenile justice system;

(2) A definition of "recidivism" that the committee recommends to be used by state agencies with responsibilities with respect to the juvenile justice system, and recommendations to reduce recidivism for

House Bill No. 5597

children and youths in the juvenile justice system;

(3) Short-term goals to be met within six months, medium-term goals to be met within twelve months and long-term goals to be met within eighteen months, for the Juvenile Justice Policy and Oversight Committee and state agencies with responsibilities with respect to the juvenile justice system to meet, after considering existing relevant reports related to the juvenile justice system and any related state strategic plan;

(4) The impact of legislation that expanded the jurisdiction of the juvenile court to include persons sixteen and seventeen years of age, as measured by the following:

(A) Any change in the average age of children and youths involved in the juvenile justice system;

(B) The types of services used by designated age groups and the outcomes of those services;

(C) The types of delinquent acts or criminal offenses that children and youths have been charged with since the enactment and implementation of such legislation; and

(D) The gaps in services identified by the committee with respect to children and youths involved in the juvenile justice system, including, but not limited to, children and youths who have attained the age of eighteen after being involved in the juvenile justice system, and recommendations to address such gaps in services; and

(5) Strengths and barriers identified by the committee that support or impede the educational needs of children and youths in the juvenile justice system, with specific recommendations for reforms.

(g) Not later than July 1, 2015, the committee shall report, in

House Bill No. 5597

accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) The quality and accessibility of diversionary programs available to children and youths in this state, including juvenile review boards and services for a child or youth who is a member of a family with service needs;

(2) An assessment of the system of community-based services for children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department;

(3) An assessment of the congregate care settings that are operated privately or by the state and have housed children and youths involved in the juvenile justice system in the past twelve months;

(4) An examination of how the state Department of Education and local boards of education, the Department of Children and Families, the Department of Mental Health and Addiction Services, the Court Support Services Division of the Judicial Department, and other appropriate agencies can work collaboratively through school-based efforts and other processes to reduce the number of children and youths who enter the juvenile justice system as a result of being a member of a family with service needs or convicted as delinquent;

(5) An examination of practices and procedures that result in disproportionate minority contact, as defined in section 4-68y of the general statutes, within the juvenile justice system;

(6) A plan to provide that all facilities and programs that are part of the juvenile justice system and are operated privately or by the state

House Bill No. 5597

provide results-based accountability;

(7) An assessment of the number of children and youths who, after being under the supervision of the Department of Children and Families, are convicted as delinquent; and

(8) An assessment of the overlap between the juvenile justice system and the mental health care system for children.

(h) The committee shall complete its duties under subsections (f) and (g) of this section after consultation with one or more organizations that focus on relevant issues regarding children and youths, such as the University of New Haven and any of the university's institutes. The committee shall work in collaboration with any results first initiative implemented pursuant to section 2-111 of the general statutes or any public or special act.

(i) The committee shall establish a timeframe for review and reporting regarding the responsibilities outlined in subdivision (5) of subsection (f) of this section, and subdivisions (1) to (7), inclusive, of subsection (g) of this section. Each report submitted by the committee shall include specific recommendations to improve outcomes and a timeline by which specific tasks or outcomes must be achieved.

(j) Not later than July 1, 2015, and quarterly thereafter until January 1, 2017, the committee shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding progress made to achieve goals and measures identified by the committee pursuant to this section.

Sec. 80. (*Effective July 1, 2014*) The sum of \$330,000 appropriated to the Department of Correction's Other Expenses account for fiscal year

House Bill No. 5597

ending June 30, 2015, shall be transferred to the new Program Evaluation account in the department. Such funds shall be used for training, quality assurance and evaluation of programs to support community reentry and community programs. Expenditures may include training programs for staff of (1) private, nonprofit providers; (2) the department, including parole officers; and (3) other state agencies and municipalities. Quality assurance findings and program evaluation data may be used by the Institute for Municipal and Regional Policy at Central Connecticut State University for inclusion in its Results First Initiative project.

Sec. 81. (*Effective from passage*) (a) Not later than May 31, 2015, the Commissioner of Correction shall assess the effectiveness of the vocational education programs of the Department of Correction for persons who are committed to the custody of the department. Such assessment shall consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to such programs. After conducting such assessment, the commissioner shall determine whether any program changes may be implemented to improve the cost-effectiveness of such programs.

(b) Not later than June 30, 2015, the Commissioner of Correction shall submit a report, in accordance with 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 judiciary and to the Results First Policy Oversight Committee, established pursuant to section 42 of public act 13-247, that (1) describes such assessment, (2) identifies any program changes implemented by the Department of Correction as a result of such assessment, and (3) makes recommendations that the commissioner deems appropriate concerning additional statutory or program changes that may improve the cost-effectiveness of such programs.

Sec. 82. (*Effective from passage*) (a) Not later than May 31, 2015, the

House Bill No. 5597

Commissioner of Correction shall assess the effectiveness of the Medication Assisted Therapy pilot project administered by the Department of Correction for persons who are committed to the custody of the department. Such assessment shall consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to such pilot project. After conducting such assessment, the commissioner shall determine whether any program changes may be implemented to improve the cost-effectiveness of such pilot project.

(b) Not later than June 30, 2015, the Commissioner of Correction shall submit a report, in accordance with 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 judiciary and to the Results First Policy Oversight Committee, established pursuant to section 42 of public act 13-247, that (1) describes such assessment, (2) identifies any pilot project changes implemented by the Department of Correction as a result of such assessment, and (3) makes recommendations that the commissioner deems appropriate concerning additional statutory or pilot project changes that may improve the cost-effectiveness of such pilot project.

Sec. 83. (*Effective from passage*) (a) Not later than May 31, 2015, the Institute for Municipal and Regional Policy at Central Connecticut State University shall assess the effectiveness of the multidimensional family therapy program maintained for juveniles committed to the custody of both the (1) Department of Children and Families, and (2) Court Support Services Division of the Judicial Branch. Such assessment shall consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to such program. Said institute, the Department of Children and Families and the Court Support Services Division of the Judicial Branch shall enter into a memorandum of understanding relating to the institute's

House Bill No. 5597

assessment of the effectiveness of the multidimensional family therapy program. After conducting such assessment, the institute, in consultation with the department and the Court Support Services Division of the Judicial Branch, shall recommend program changes that may be implemented to improve the cost-effectiveness of such program.

(b) Not later than June 30, 2015, the Institute for Municipal and Regional Policy at Central Connecticut State University shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary and children and to the Results First Policy Oversight Committee, established pursuant to section 42 of public act 13-247, that (1) describes such assessment, (2) identifies any program changes implemented by the Department of Children and Families as a result of such assessment, and (3) makes any recommendations that said institute, the Commissioner of Children and Families and the Court Support Services Division of the Judicial Branch deem appropriate concerning additional statutory or program changes that may improve the cost-effectiveness of such program.

Sec. 84. (*Effective from passage*) (a) Not later than May 31, 2015, the Institute for Municipal and Regional Policy at Central Connecticut State University shall assess the effectiveness of juvenile parole services programs administered by the Department of Children and Families for persons who are committed to the custody of the department. Such assessment shall consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to such programs. After conducting such assessment, said institute, in consultation with the department, shall recommend program changes that may be implemented to improve the cost-effectiveness of such programs.

House Bill No. 5597

(b) Not later than June 30, 2015, the Institute for Municipal and Regional Policy at Central Connecticut State University shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and children and to the Results First Policy Oversight Committee, established pursuant to section 42 of public act 13-247, that (1) describes such assessment, (2) identifies any program changes implemented by the Department of Children and Families as a result of such assessment, and (3) makes any recommendations that the institute and the Commissioner of Children and Families deem appropriate concerning additional statutory or program changes that may improve the cost-effectiveness of such programs.

Sec. 85. (NEW) (*Effective July 1, 2014*) (a) For the purposes of this section: (1) "Child" means child, as defined in section 46b-120 of the general statutes; (2) "delinquent act" means delinquent act, as defined in section 46b-120 of the general statutes; (3) "family violence" means family violence, as defined in section 46b-38a of the general statutes, between a child and a family or household member, as defined in section 46b-38a of the general statutes, except between the child and a person with a relationship to the child described in subparagraph (A), (E) or (F) of subdivision (2) of subsection 46b-38a of the general statutes; and (4) "mediation" means a process conducted in accordance with best practice principles for the mediation of family matters.

(b) The Judicial Department shall establish, within available appropriations, a family violence mediation program as a pilot program on the docket for juvenile matters in two judicial districts. Under the family violence mediation program, parties to an alleged delinquent act that involved family violence may agree to participate in mediation with an impartial third-party approved by the Superior Court to work toward a disposition of the alleged delinquent act that is

House Bill No. 5597

satisfactory to each party. A juvenile probation officer or, the court, upon motion of any party, may refer the case of a child accused of a delinquent act involving family violence to the family violence mediation program. Such child's participation in the family violence mediation program shall be supervised by a juvenile probation officer.

(c) Upon receipt of a report from the juvenile probation officer that the child's progress in the family violence mediation program was satisfactory and that mediation has been successful, the court shall dismiss the charges against the child with respect to the delinquent act. Upon ordering that such charges be dismissed, the court shall order that all records of such charges be erased.

(d) Upon receipt of a report from a juvenile probation officer that mediation has not been successful or the child alleged to be a delinquent is no longer amenable to participation in the family violence mediation program or has failed to comply with the terms of any mediation agreement, the juvenile probation officer shall notify the prosecutorial official in charge of the case who may initiate delinquency or criminal proceedings against the child.

(e) Mediation services in cases referred to the family violence mediation program may be provided by private agencies under contract with the Court Support Services Division of the Judicial Department.

(f) If a child is under the supervision of the Department of Children and Families when the case of such child is referred to the family violence mediation program pursuant to this section, the court or probation officer shall notify the Department of Children and Families that such referral has been made.

(g) Not later than July 1, 2015, the executive director of the Court Support Services Division within the Judicial Department shall

House Bill No. 5597

evaluate, within available appropriations, the pilot program established in each judicial district selected pursuant to subsection (b) of this section, and evaluate the feasibility of expanding the pilot program to other judicial districts. Not later than July 15, 2015, the executive director shall submit a report on such evaluation to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and the Juvenile Justice Policy and Oversight Committee.

Sec. 86. Subsection (c) of section 22a-478 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(c) The funding of an eligible water quality project shall be pursuant to a project funding agreement between the state, acting by and through the commissioner, and the municipality undertaking such project and shall be evidenced by a project fund obligation or grant account loan obligation, or both, or an interim funding obligation of such municipality issued in accordance with section 22a-479. A project funding agreement shall be in a form prescribed by the commissioner. Eligible water quality projects shall be funded as follows:

(1) A nonpoint source pollution abatement project shall receive a project grant of seventy-five per cent of the cost of the project determined to be eligible by the commissioner.

(2) A combined sewer project shall receive (A) a project grant of fifty per cent of the cost of the project, and (B) a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs.

(3) A construction contract eligible for financing awarded by a municipality on or after July 1, 2012, as a project undertaken for nutrient removal shall receive a project grant of thirty per cent of the

House Bill No. 5597

cost of the project associated with nutrient removal, a twenty per cent grant for the balance of the cost of the project not related to nutrient removal, and a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs. Nutrient removal projects under design or construction on July 1, 2012, and projects that have been constructed but have not received permanent, Clean Water Fund financing, on July 1, 2012, shall be eligible to receive a project grant of thirty per cent of the cost of the project associated with nutrient removal, a twenty per cent grant for the balance of the cost of the project not related to nutrient removal, and a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs.

(4) If supplemental federal grant funds are available for Clean Water Fund projects specifically related to the clean-up of Long Island Sound that are funded on or after July 1, 2012, a distressed municipality, as defined in section 32-9p, may receive a combination of state and federal grants in an amount not to exceed fifty per cent of the cost of the project associated with nutrient removal, a twenty per cent grant for the balance of the cost of the project not related to nutrient removal, and a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the allowable water quality project costs.

(5) A municipality with a water pollution control project, the construction of which began on or after July 1, 2003, which has (A) a population of five thousand or less, or (B) a population of greater than five thousand which has a discrete area containing a population of less than five thousand that is not contiguous with the existing sewerage system, shall be eligible to receive a grant in the amount of twenty-five per cent of the design and construction phase of eligible project costs, and a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs.

(6) The first three construction contracts entered into by

House Bill No. 5597

municipalities on or before July 1, 2018, that are eligible for financing as projects undertaken for phosphorus removal to at or below two-tenths milligrams per liter effluent discharge, shall receive (A) a project grant of fifty per cent of the cost of the project associated with such phosphorus removal, (B) except as provided in subdivision (3) of this subsection, a twenty per cent grant for the balance of the cost of the project, and (C) a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs. If more than three projects are eligible for the financing provided under this subdivision, the commissioner shall give priority, first to projects with the lowest permitted limit of phosphorus discharge as contained in a valid discharge permit issued pursuant to section 22a-430, and then to those that remove the greatest amount of phosphorus, as measured in pounds per year.

(7) A municipality with a 2012 population of not less than forty thousand but not more than forty-two thousand with a municipal sewerage system that provides a regional sewerage treatment capacity to not less than five abutting communities, each with 2012 populations of less than five thousand, shall receive funding levels consistent with subdivisions (1) to (6), inclusive, of this subsection plus an additional five per cent for the design and construction phase costs of an eligible water quality project and a loan for the remainder of the costs of such eligible water quality project, provided such loan shall not exceed one hundred per cent of the costs of such eligible water project.

~~[(7)]~~ (8) Any other eligible water quality project shall receive (A) a project grant of twenty per cent of the eligible cost, and (B) a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible project cost.

~~[(8)]~~ (9) Project agreements to fund eligible project costs with grants from the Clean Water Fund that were executed during or after the fiscal year beginning July 1, 2003, shall not be reduced according to the

House Bill No. 5597

provisions of the regulations adopted under section 22a-482.

[(9)] (10) On or after July 1, 2002, an eligible water quality project that exclusively addresses sewer collection and conveyance system improvements may receive a loan for one hundred per cent of the eligible costs provided such project does not receive a project grant. Any such sewer collection and conveyance system improvement project shall be rated, ranked, and funded separately from other water pollution control projects and shall be considered only if it is highly consistent with the state's conservation and development plan, or is primarily needed as the most cost effective solution to an existing area-wide pollution problem and incorporates minimal capacity for growth.

[(10)] (11) All loans made in accordance with the provisions of this section for an eligible water quality project shall bear an interest rate of two per cent per annum. The commissioner may allow any project fund obligation, grant account loan obligation or interim funding obligation for an eligible water quality project to be repaid by a borrowing municipality prior to maturity without penalty.

Sec. 87. Section 38a-1083 of the 2014 supplement to the general statutes is amended by adding subsection (d) as follows (*Effective from passage*):

(NEW) (d) (1) The chief executive officer of the exchange shall provide to the commissioner the name of any health carrier that fails to pay any assessment or user fee under subdivision (7) of subsection (c) of this section to the exchange. The commissioner shall see that all laws respecting the authority of the exchange pursuant to said subdivision (7) are faithfully executed. The commissioner has all the powers specifically granted under title 38a and all further powers that are reasonable and necessary to enable the commissioner to enforce the provisions of said subdivision (7).

House Bill No. 5597

(2) Any health carrier aggrieved by an administrative action taken by the commissioner under subdivision (1) of this subsection may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain.

Sec. 88. Subsection (c) of section 38a-1090 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Unless expressly specified, nothing in this section, ~~[or] sections 38a-1080 to 38a-1089, inclusive, or section 38a-1091~~ and no action taken by the exchange pursuant to said sections shall be construed to preempt, supersede or affect the authority of the commissioner to regulate the business of insurance in the state. All health carriers offering qualified health plans in the state shall comply with all applicable [health insurance laws of the state and regulations adopted and orders issued by the commissioner] provisions of sections 38a-1083 to 38a-1091, inclusive, and procedures adopted by the board pursuant to section 38a-1082.

Sec. 89. Section 10-264~~l~~ of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Department of Education shall, within available appropriations, establish a grant program (1) to assist (A) local and regional boards of education, (B) regional educational service centers, (C) the Board of Trustees of the Community-Technical Colleges on behalf of Quinebaug Valley Community College and Three Rivers Community College, and (D) cooperative arrangements pursuant to section 10-158a, and (2) in assisting 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 extended, or the goals of the 2013 stipulation and order for Milo

House Bill No. 5597

Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, to assist (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 of 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, and (E) any other third-party not-for-profit corporation approved by the commissioner with the operation of interdistrict magnet school programs. All interdistrict magnet schools shall be operated in conformance with the same laws and regulations applicable to public schools. For the purposes of this section "an interdistrict magnet school program" means a program which (i) supports racial, ethnic and economic diversity, (ii) offers a special and high quality curriculum, and (iii) requires students who are enrolled to attend at least half-time. An interdistrict magnet school program does not include a regional agricultural science and technology school, a technical high school or a regional special education center. On and after July 1, 2000, the governing authority for each interdistrict magnet school program that is in operation prior to July 1, 2005, shall restrict the number of students that may enroll in the program from a participating district to eighty per cent of the total enrollment of the program. The governing authority for each interdistrict magnet school program that begins operations on or after July 1, 2005, shall restrict the number of students that may enroll in the program from a participating district to seventy-five per cent of the total enrollment of the program, and maintain such a school enrollment that at least twenty-five per cent but not more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a. The governing authority of an interdistrict magnet school that the commissioner determines will assist the state in meeting the goals of the 2008 stipulation and order

House Bill No. 5597

for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., shall restrict the number of students that may enroll in the program from a participating district in accordance with the provisions of this subsection, provided such enrollment is in accordance with the reduced-isolation setting standards of such 2013 stipulation and order.

(b) (1) Applications for interdistrict magnet school program operating grants awarded pursuant to this section shall be submitted annually to the Commissioner of Education at such time and in such manner as the commissioner prescribes, except that on and after July 1, 2009, applications for such operating grants for new interdistrict magnet schools, other than those that the commissioner determines 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., shall not be accepted until the commissioner develops a comprehensive state-wide interdistrict magnet school plan. The commissioner shall submit such comprehensive state-wide interdistrict magnet school plan on or before January 1, 2011, to the joint standing committee of the General Assembly having cognizance of matters relating to education.

(2) In determining whether an application shall be approved and funds awarded pursuant to this section, the commissioner shall consider, but such consideration shall not be limited to: (A) Whether the program offered by the school is likely to increase student achievement; (B) whether the program is likely to reduce racial, ethnic and economic isolation; (C) the percentage of the student enrollment in the program from each participating district; and (D) the proposed operating budget and the sources of funding for the interdistrict magnet school. For a magnet school not operated by a local or regional

House Bill No. 5597

board of education, the commissioner shall only approve a proposed operating budget that, on a per pupil basis, does not exceed the maximum allowable threshold established in accordance with this subdivision. The maximum allowable threshold shall be an amount equal to one hundred twenty per cent of the state average of the quotient obtained by dividing net current expenditures, as defined in section 10-261, by average daily membership, as defined in said section, for the fiscal year two years prior to the fiscal year for which the operating grant is requested. The Department of Education shall establish the maximum allowable threshold no later than December fifteenth of the fiscal year prior to the fiscal year for which the operating grant is requested. If requested by an applicant that is not a local or regional board of education, the commissioner may approve a proposed operating budget that exceeds the maximum allowable threshold if the commissioner determines that there are extraordinary programmatic needs. In the case of 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner, the commissioner shall also consider whether the school is meeting the [desegregation] reduced-isolation setting standards set forth in [said] such 2013 stipulation and order. If such school has not met the [desegregation] reduced-isolation setting standards [by the second year of operation] prescribed in such 2013 stipulation and order, it shall not be entitled to receive a grant pursuant to this section unless the commissioner finds that it is appropriate to award a grant for an additional year or years for purposes of compliance with [said] such 2013 stipulation and order. If requested by the commissioner, the applicant shall meet with the commissioner or the commissioner's designee to discuss the budget and sources of funding.

(3) Except as provided in this section, section 197 of public act 11-48

House Bill No. 5597

and the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., the commissioner shall not award a grant to (A) a program that is in operation prior to July 1, 2005, if more than eighty per cent of its total enrollment is from one school district, except that the commissioner may award a grant for good cause, for any one year, on behalf of an otherwise eligible magnet school program, if more than eighty per cent of the total enrollment is from one district, [The commissioner shall not award a grant to] and (B) a program that begins operations on or after July 1, 2005, if more than seventy-five per cent of its total enrollment is from one school district or if less than twenty-five or more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a, except that the commissioner may award a grant for good cause, for one year, on behalf of an otherwise eligible interdistrict magnet school program, if more than seventy-five per cent of the total enrollment is from one district or less than twenty-five or more than seventy-five per cent of the students enrolled are pupils of racial minorities. The commissioner may not award grants pursuant to [such an exception for a second consecutive year] the exceptions described in subparagraphs (A) and (B) of this subdivision for an additional consecutive year or years, except as provided for in section 197 of public act 11-48, the 2008 stipulation for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner.

(c) (1) The maximum amount each interdistrict magnet school program, except those described in subparagraphs (A) to [(F)] (G), inclusive, of subdivision (3) of this subsection, shall be eligible to receive per enrolled student who is not a resident of the town operating the magnet school shall be (A) six thousand sixteen dollars for the fiscal year ending June 30, 2008, (B) six thousand seven hundred thirty dollars for the fiscal years ending June 30, 2009, to June 30, 2012, inclusive, and (C) seven thousand eighty-five dollars for the

House Bill No. 5597

fiscal year ending June 30, 2013, and each fiscal year thereafter. The per pupil grant for each enrolled student who is a resident of the town operating the magnet school program shall be three thousand dollars for the fiscal year ending June 30, 2008, and each fiscal year thereafter.

(2) For the fiscal year ending June 30, 2003, and each fiscal year thereafter, the commissioner may, within available appropriations, provide supplemental grants for the purposes of enhancing educational programs in such interdistrict magnet schools, as the commissioner determines. Such grants shall be made after the commissioner has conducted a comprehensive financial review and approved the total operating budget for such schools, including all revenue and expenditure estimates.

(3) (A) Except as otherwise provided in subparagraphs (C) to [(F)] (G), inclusive, of this subdivision, each interdistrict magnet school operated by a regional educational service center that enrolls less than fifty-five per cent of the school's students from a single town shall receive a per pupil grant in the amount of (i) six thousand two hundred fifty dollars for the fiscal year ending June 30, 2006, (ii) six thousand five hundred dollars for the fiscal year ending June 30, 2007, (iii) seven thousand sixty dollars for the fiscal year ending June 30, 2008, (iv) seven thousand six hundred twenty dollars for the fiscal years ending June 30, 2009, to June 30, 2012, inclusive, and (v) seven thousand nine hundred dollars for the fiscal year ending June 30, 2013, and each fiscal year thereafter.

(B) Except as otherwise provided in subparagraphs (C) to [(F)] (G), inclusive, of this subdivision, each interdistrict magnet school operated by a regional educational service center that enrolls at least fifty-five per cent of the school's students from a single town shall receive a per pupil grant for each enrolled student who is not a resident of the district that enrolls at least fifty-five per cent of the school's students in the amount of (i) six thousand sixteen dollars for the fiscal year ending

House Bill No. 5597

June 30, 2008, (ii) six thousand seven hundred thirty dollars for the fiscal years ending June 30, 2009, to June 30, 2012, inclusive, and (iii) seven thousand eighty-five dollars for the fiscal year ending June 30, 2013, and each fiscal year thereafter. The per pupil grant for each enrolled student who is a resident of the district that enrolls at least fifty-five per cent of the school's students shall be three thousand dollars.

(C) [Each] For the fiscal year ending June 30, 2015, and each fiscal year thereafter, each interdistrict magnet school operated by a regional educational service center that began operations for the school year commencing July 1, 2001, and that for the school year commencing July 1, 2008, enrolled at least fifty-five per cent, but no more than eighty per cent of the school's students from a single town shall receive a per pupil grant (1) for each enrolled student who is a resident of the district that enrolls at least fifty-five per cent, but no more than eighty per cent of the school's students, up to an amount equal to the total number of such enrolled students as of October 1, 2013, using the data of record, in the amount of eight thousand one hundred eighty dollars, [for the fiscal year ending June 30, 2013, and each fiscal year thereafter, and a per pupil grant] (2) for each enrolled student who is a resident of the district that enrolls at least fifty-five per cent, but not more than eighty per cent of the school's students, in an amount greater than the total number of such enrolled students as of October 1, 2013, using the data of record, in the amount of three thousand dollars, (3) for each enrolled student who is not a resident of the district that enrolls at least fifty-five per cent, but no more than eighty per cent of the school's students, up to an amount equal to the total number of such enrolled students as of October 1, 2013, using the data of record, in the amount of eight thousand one hundred eighty dollars, [for the fiscal year ending June 30, 2013, and each fiscal year thereafter] and (4) for each enrolled student who is not a resident of the district that enrolls at least fifty-five per cent, but not more than eighty per cent of the school's

House Bill No. 5597

students, in an amount greater than the total number of such enrolled students as of October 1, 2013, using the data of record, in the amount of seven thousand eighty-five dollars.

(D) Each interdistrict magnet school operated by (i) a regional educational service center, (ii) the Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, (iii) the Board of Trustees of the Connecticut State University System on behalf of a state university, (iv) the Board of Trustees for The University of Connecticut on behalf of the university, (v) 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, except as otherwise provided in subparagraph (E) of this subdivision, (vi) cooperative arrangements pursuant to section 10-158a, (vii) any other third-party not-for-profit corporation approved by the commissioner, and (viii) the Hartford school district for the operation of Great Path Academy on behalf of Manchester Community College, that enrolls less than sixty per cent of its students from Hartford pursuant to the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., shall receive a per pupil grant in the amount of (I) nine thousand six hundred ninety-five dollars for the fiscal year ending June 30, 2010, and (II) ten thousand four hundred forty-three dollars for the fiscal years ending June 30, 2011, to June 30, 2015, inclusive.

(E) Each interdistrict magnet school operated by 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, that (i) began operations for the school year commencing July 1, 2014, (ii) enrolls less than sixty per cent of its students from Hartford pursuant to the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or

House Bill No. 5597

the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., and (iii) enrolls students on a trimester basis, shall receive a per pupil grant for each student who is enrolled at such school for at least two of the three trimesters in the amount of ten thousand four hundred forty-three dollars for the fiscal year ending June 30, 2015.

[(E)] (F) Each interdistrict magnet school operated by a local or regional board of education, pursuant to the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., shall receive a per pupil grant for each enrolled student who is not a resident of the district in the amount of (i) twelve thousand dollars for the fiscal year ending June 30, 2010, and (ii) thirteen thousand fifty-four dollars for the fiscal years ending June 30, 2011, to June 30, 2015, inclusive.

[(F)] (G) In addition to the grants described in subparagraph (E) of this subdivision, for the fiscal year ending June 30, 2010, the commissioner may, subject to the approval of the Secretary of the Office of Policy and Management and the Finance Advisory Committee, established pursuant to section 4-93, provide supplemental grants to the Hartford school district of up to one thousand fifty-four dollars for each student enrolled at an interdistrict magnet school operated by the Hartford school district who is not a resident of such district.

(4) The amounts of the grants determined pursuant to this subsection shall be proportionately adjusted, if necessary, within available appropriations, and in no case shall any grant pursuant to this section exceed the reasonable operating budget of the interdistrict magnet school program, less revenues from other sources. For the fiscal year ending June 30, 2015, the department may limit payment to an interdistrict magnet school operator to an amount equal to the grant

House Bill No. 5597

that such magnet school operator was eligible to receive based on the enrollment level of the interdistrict magnet school program on October 1, 2013. Approval of funding for enrollment above such enrollment level shall be prioritized by the department as follows: (A) Increases in enrollment in an interdistrict magnet school program that is adding planned new grade levels; (B) increases in enrollment in an interdistrict magnet school program that is moving into a permanent facility for the school year commencing July 1, 2014; (C) increases in enrollment in an interdistrict magnet school program to ensure compliance with subsection (a) of this section; and (D) new enrollments for a new interdistrict magnet school program commencing operations on or after July 1, 2014, pursuant to the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. Any interdistrict magnet school program operating less than full-time, but at least half-time, shall be eligible to receive a grant equal to sixty-five per cent of the grant amount determined pursuant to this subsection.

(5) Within available appropriations, the commissioner may make grants to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner and that provide academic support programs and summer school educational programs approved by the commissioner to students participating in such interdistrict magnet school program: (A) Regional educational service centers, (B) local and regional boards of education, (C) the Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, (D) the Board of Trustees of the Connecticut State University System on behalf of a state university, (E) the Board of Trustees for The University of Connecticut on behalf of the university, (F) the board of governors for an independent college or

House Bill No. 5597

university, as defined in section 10a-37, or the equivalent of such a board, on behalf of the independent college or university, (G) cooperative arrangements pursuant to section 10-158a, and (H) any other third-party not-for-profit corporation approved by the commissioner.

(6) Within available appropriations, the Commissioner of Education may make grants, in an amount not to exceed seventy-five thousand dollars, for start-up costs associated with the development of new interdistrict magnet school programs that 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner, to the following entities that develop such a program: (A) Regional educational service centers, (B) local and regional boards of education, (C) the Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, (D) the Board of Trustees of the Connecticut State University System on behalf of a state university, (E) the Board of Trustees for The University of Connecticut on behalf of the university, (F) 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, (G) cooperative arrangements pursuant to section 10-158a, and (H) any other third-party not-for-profit corporation approved by the commissioner.

(d) (1) Grants made pursuant to this section, except those made pursuant to subdivision (6) of subsection (c) of this section and subdivision (2) of this subsection, shall be paid as follows: Seventy per cent [by] not later than September first and the balance [by] not later than May first of each fiscal year. The May first payment shall be adjusted to reflect actual interdistrict magnet school program enrollment as of the preceding October first using the data of record as

House Bill No. 5597

of the intervening March first, if the actual level of enrollment is lower than the projected enrollment stated in the approved grant application. The May first payment shall be further adjusted for the difference between the total grant received by the magnet school operator in the prior fiscal year and the revised total grant amount calculated for the prior fiscal year in cases where the aggregate financial audit submitted by the interdistrict magnet school operator pursuant to subdivision (1) of subsection (n) of this section indicates an overpayment by the department.

(2) For the fiscal year ending June 30, 2015, and each fiscal year thereafter, grants made pursuant to subparagraph (E) of subdivision (3) of subsection (c) of this section shall be paid as follows: Thirty per cent of the amount not later than August first based on estimated student enrollment on July first, thirty per cent of the amount not later than October first based on estimated student enrollment on September first, and the balance not later than May first of each fiscal year. The May first payment shall be adjusted to reflect actual interdistrict magnet school program enrollment for those students who have been enrolled at such school for at least two of three trimesters of the school year, using the data of record. The May first payment shall be further adjusted for the difference between the total grant received by the magnet school operator in the prior fiscal year and the revised total grant amount calculated for the prior fiscal year where the financial audit submitted by the interdistrict magnet school operator pursuant to subdivision (1) of subsection (n) of this section indicates an overpayment by the department.

(e) The Department of Education may retain up to one-half of one per cent of the amount appropriated, in an amount not to exceed five hundred thousand dollars, for purposes of this section for program evaluation and administration.

(f) Each local or regional school district in which an interdistrict

House Bill No. 5597

magnet school is located shall provide the same kind of transportation to its children enrolled in such interdistrict magnet school as it provides to its children enrolled in other public schools in such local or regional school district. The parent or guardian of a child denied the transportation services required to be provided pursuant to this subsection may appeal such denial in the manner provided in sections 10-186 and 10-187.

(g) On or before October fifteenth of each year, the Commissioner of Education shall determine if interdistrict magnet school enrollment is below the number of students for which funds were appropriated. If the commissioner determines that the enrollment is below such number, the additional funds shall not lapse but shall be used by the commissioner for grants for interdistrict cooperative programs pursuant to section 10-74d.

(h) In the case of a student identified as requiring special education, the school district in which the student resides shall: (1) Hold the planning and placement team meeting for such student and shall invite representatives from the interdistrict magnet school to participate in such meeting; and (2) pay the interdistrict magnet school an amount equal to the difference between the reasonable cost of educating such student and the sum of the amount received by the interdistrict magnet school for such student pursuant to subsection (c) of this section and amounts received from other state, federal, local or private sources calculated on a per pupil basis. Such school district shall be eligible for reimbursement pursuant to section 10-76g. If a student requiring special education attends an interdistrict magnet school on a full-time basis, such interdistrict magnet school shall be responsible for ensuring that such student receives the services mandated by the student's individualized education program whether such services are provided by the interdistrict magnet school or by the school district in which the student resides.

House Bill No. 5597

(i) Nothing in this section shall be construed to prohibit the enrollment of nonpublic school students in an interdistrict magnet school program that operates less than full-time, provided (1) such students constitute no more than five per cent of the full-time equivalent enrollment in such magnet school program, and (2) such students are not counted for purposes of determining the amount of grants pursuant to this section and section 10-264i.

(j) After accommodating students from participating districts in accordance with an approved enrollment agreement, an interdistrict magnet school operator that has unused student capacity may enroll directly into its program any interested student. A student from a district that is not participating in an interdistrict magnet school or the interdistrict student attendance program pursuant to section 10-266aa to an extent determined by the Commissioner of Education shall be given preference. The local or regional board of education otherwise responsible for educating such student shall contribute funds to support the operation of the interdistrict magnet school in an amount equal to the per student tuition, if any, charged to participating districts.

(k) (1) For the fiscal year ending June 30, 2014, and each fiscal year thereafter, any tuition charged to a local or regional board of education by a regional educational service center operating an interdistrict magnet school or any tuition charged by the Hartford school district operating the Great Path Academy on behalf of Manchester Community College for any student enrolled in kindergarten to grade twelve, inclusive, in such interdistrict magnet school shall be in an amount equal to the difference between (A) the average per pupil expenditure of the magnet school for the prior fiscal year, and (B) the amount of any per pupil state subsidy calculated under subsection (c) of this section plus any revenue from other sources calculated on a per pupil basis. If any such board of education fails to pay such tuition, the

House Bill No. 5597

commissioner may withhold from such board's town or towns a sum payable under section 10-262i in an amount not to exceed the amount of the unpaid tuition to the magnet school and pay such money to the fiscal agent for the magnet school as a supplementary grant for the operation of the interdistrict magnet school program. In no case shall the sum of such tuitions exceed the difference between (i) the total expenditures of the magnet school for the prior fiscal year, and (ii) the total per pupil state subsidy calculated under subsection (c) of this section plus any revenue from other sources. The commissioner may conduct a comprehensive financial review of the operating budget of a magnet school to verify such tuition rate.

(2) (A) For the fiscal years ending June 30, 2013, and June 30, 2014, a regional educational service center operating an interdistrict magnet school offering a preschool program that is not located in the Sheff region may charge tuition to the Department of Education for a child enrolled in such preschool program in an amount not to exceed an amount equal to the difference between (i) the average per pupil expenditure of the preschool program offered at the magnet school for the prior fiscal year, and (ii) the amount of any per pupil state subsidy calculated under subsection (c) of this section plus any revenue from other sources calculated on a per pupil basis. The commissioner may conduct a comprehensive financial review of the operating budget of any such magnet school charging such tuition to verify such tuition rate. For purposes of this subdivision, "Sheff region" means the school districts for the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Ellington, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor and Windsor Locks.

(B) For the fiscal year ending June 30, 2015, and each fiscal year thereafter, a regional educational service center operating an

House Bill No. 5597

interdistrict magnet school offering a preschool program that is not located in the Sheff region may charge tuition to the parent or guardian of a child enrolled in such preschool program in an amount that is in accordance with the sliding tuition scale adopted by the State Board of Education pursuant to section 10-264p. The Department of Education shall be financially responsible for any unpaid portion of the tuition not charged to such parent or guardian under such sliding tuition scale. Such tuition shall not exceed an amount equal to the difference between (i) the average per pupil expenditure of the preschool program offered at the magnet school for the prior fiscal year, and (ii) the amount of any per pupil state subsidy calculated under subsection (c) of this section plus any revenue from other sources calculated on a per pupil basis. The commissioner may conduct a comprehensive financial review of the operating budget of any such magnet school charging such tuition to verify such tuition rate.

(l) A participating district shall provide opportunities for its students to attend an interdistrict magnet school in a number that is at least equal to the number specified in any written agreement with an interdistrict magnet school operator or in a number that is at least equal to the average number of students that the participating district enrolled in such magnet school during the previous three school years.

(m) On or before May 15, 2010, and annually thereafter, each interdistrict magnet school operator shall provide written notification to any school district that is otherwise responsible for educating a student who resides in such school district and will be enrolled in an interdistrict magnet school under the operator's control for the following school year. Such notification shall include the number of any such students, by grade, who will be enrolled in an interdistrict magnet school under the control of such operator, the name of the school in which such student has been placed and the amount of

House Bill No. 5597

tuition to be charged to the local or regional board of education for such student. Such notification shall represent an estimate of the number of students expected to attend such interdistrict magnet schools in the following school year, but shall not be deemed to limit the number of students who may enroll in such interdistrict magnet schools for such year.

(n) (1) Each interdistrict magnet school operator shall annually file with the Commissioner of Education, at such time and in such manner as the commissioner prescribes, (A) a financial audit for each interdistrict magnet school operated by such operator, and (B) an aggregate financial audit for all of the interdistrict magnet schools operated by such operator.

(2) Annually, the commissioner shall randomly select one interdistrict magnet school operated by a regional educational service center to be subject to a comprehensive financial audit conducted by an auditor selected by the commissioner. The regional educational service center shall be responsible for all costs associated with the audit conducted pursuant to the provisions of this subdivision.

(o) For the school years commencing July 1, 2009, to July 1, 2014, inclusive, any local or regional board of education operating an interdistrict magnet school pursuant to the 2008 stipulation and order for Milo Sheff, et al. v. William O'Neill, et al., as extended, or the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., shall not charge tuition for any student enrolled in a preschool program or in kindergarten to grade twelve, inclusive, in an interdistrict magnet school operated by such school district, except the Hartford school district may charge tuition for any student enrolled in the Great Path Academy.

Sec. 90. (NEW) (*Effective July 1, 2014*) (a) For the fiscal year ending June 30, 2015, and each fiscal year thereafter, the Department of

House Bill No. 5597

Education shall award, within available appropriations, a grant in an amount not to exceed two hundred fifty thousand dollars to the Hartford school district for program development and expansion of the Dr. Joseph S. Renzulli Gifted and Talented Academy to assist the state in meeting the goals of the 2013 stipulation for Milo Sheff, et al. v. William O'Neill, et al. Application for such grant funds awarded pursuant to this section shall be submitted annually to the Commissioner of Education at such time and in such manner as the commissioner prescribes.

(b) For the school year commencing July 1, 2014, and each school year thereafter, any student who is not a resident of the Hartford school district may apply for enrollment in the Dr. Joseph S. Renzulli Gifted and Talented Academy, provided such student is eligible for enrollment under the school's admissions policies. Any such student enrolled in the Dr. Joseph S. Renzulli Gifted and Talented Academy shall be so enrolled as a participant in the interdistrict public school attendance program pursuant to section 10-266aa of the general statutes.

(c) Grants awarded under this section shall supplement other grant awards to which the Dr. Joseph S. Renzulli Gifted and Talented Academy is entitled and shall not reduce such academy's eligibility for any other grant that such academy may be entitled to receive.

Sec. 91. (NEW) (*Effective July 1, 2014*) (a) For purposes of this section, "Sheff Lighthouse School" has the same meaning as "Lighthouse Schools", as defined in the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.

(b) For the fiscal years ending June 30, 2015, to June 30, 2018, inclusive, the Department of Education shall award, within available appropriations, an annual grant, in an amount of seven hundred fifty thousand dollars, to the Hartford school district to assist in the

House Bill No. 5597

development of curricula and the training of staff for the conversion of a neighborhood school to a Sheff Lighthouse School.

(c) Any school identified for conversion to a Sheff Lighthouse School shall be so identified through a collaborative process that has been approved by the Hartford board of education and the Commissioner of Education.

(d) For the school year commencing July 1, 2014, and each school year thereafter, any student who is not a resident of the Hartford school district may apply for enrollment in a Sheff Lighthouse School. Any such student enrolled in a Sheff Lighthouse School shall be so enrolled as a participant in the interdistrict public school attendance program pursuant to section 10-266aa of the general statutes.

Sec. 92. Subsection (a) of section 10-264i of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) (1) (A) A local or regional board of education, (B) a regional educational service center, (C) the Board of Trustees of the Community-Technical Colleges on behalf of Quinebaug Valley Community College and Three Rivers Community College, (D) a cooperative arrangement pursuant to section 10-158a, or (E) to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, (i) the Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, (ii) the Board of Trustees of the Connecticut State University System on behalf of a state university, (iii) the Board of Trustees for The University of Connecticut on behalf of the university, (iv) the board of governors for an independent college or university, as defined in section 10a-37, or the equivalent of such a

House Bill No. 5597

board, on behalf of the independent college or university, and (v) any other third-party not-for-profit corporation approved by the commissioner which transports a child to an interdistrict magnet school program, as defined in section 10-264*l*, in a town other than the town in which the child resides shall be eligible pursuant to section 10-264*e* to receive a grant for the cost of transporting such child in accordance with this section.

(2) Except as provided in subdivisions (3) and (4) of this subsection, the amount of such grant shall not exceed an amount equal to the number of such children transported multiplied by one thousand three hundred dollars.

(3) For districts assisting 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner, (i) for the fiscal year ending June 30, 2010, the amount of such grant shall not exceed an amount equal to the number of such children transported multiplied by one thousand four hundred dollars, and (ii) for the fiscal years ending June 30, 2011, to June 30, 2015, inclusive, the amount of such grant shall not exceed an amount equal to the number of such children transported multiplied by two thousand dollars.

(4) In addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation grants to regional educational service centers for the purposes of transportation to interdistrict magnet schools. Any such grant shall be provided within available appropriations and after the commissioner has reviewed and approved the total interdistrict magnet school transportation budget for a regional educational service center, including all revenue and expenditure estimates. For the fiscal year ending June 30, 2010, in addition to the grants otherwise provided

House Bill No. 5597

pursuant to this section, the Commissioner of Education, with the approval of the Secretary of the Office of Policy and Management, may provide supplemental transportation grants to the Hartford school district and the Capitol Region Education Council for the purposes of transportation of students who are not residents of Hartford to interdistrict magnet schools operated by the Capitol Region Education Council or the Hartford school district. For the fiscal year ending June 30, 2012, in addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation grants to regional educational service centers for the purposes of transportation to interdistrict magnet schools that 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. Any such grant shall be provided within available appropriations and upon a comprehensive financial review of all transportation activities as prescribed by the commissioner. The commissioner may require the regional educational service center to provide an independent financial review, by an auditor selected by the Commissioner of Education, the costs of which may be paid from funds that are part of the supplemental transportation grant. Any such grant shall be paid as follows: Up to fifty per cent of the grant on or before June 30, 2012, and the balance on or before September 1, 2012, upon completion of the comprehensive financial review. For the fiscal [year] years ending June 30, 2013, to June 30, 2015, inclusive, in addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation to interdistrict magnet schools that assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William O'Neill, et al., as extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. and for transportation provided by EASTCONN to interdistrict magnet schools. Any such grant shall be provided within available appropriations and upon a comprehensive financial review, by an auditor selected by the Commissioner of Education, the costs of such

House Bill No. 5597

review may be paid from funds that are part of the supplemental transportation grant. Any such grant shall be paid as follows: [Up] For the fiscal year ending June 30, 2013, up to fifty per cent of the grant on or before June 30, 2013, and the balance on or before September 1, 2013, upon completion of the comprehensive financial review; for the fiscal year ending June 30, 2014, up to fifty per cent of the grant on or before June 30, 2014, and the balance on or before September 1, 2014, upon completion of the comprehensive financial review; and for the fiscal year ending June 30, 2015, up to fifty per cent of the grant on or before June 30, 2015, and the balance on or before September 1, 2015, upon completion of the comprehensive financial review.

(5) The Department of Education shall provide such grants within available appropriations. Nothing in this subsection shall be construed to prevent a local or regional board of education, regional educational service center or cooperative arrangement from receiving reimbursement under section 10-266m for reasonable transportation expenses for which such board, service center or cooperative arrangement is not reimbursed pursuant to this section.

Sec. 93. Subsection (a) of section 10-264h of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) For the fiscal year ending June 30, 2012, and each fiscal year thereafter, a local or regional board of education, a regional educational service center, a cooperative arrangement pursuant to section 10-158a, or any of 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education: (1) The Board of Trustees of the Community-Technical Colleges on behalf of a regional community-

House Bill No. 5597

technical college, (2) the Board of Trustees of the Connecticut State University System on behalf of a state university, (3) the Board of Trustees for The University of Connecticut on behalf of the university, (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 (5) any other third-party not-for-profit corporation approved by the Commissioner of Education, may be eligible for reimbursement, except as otherwise provided for, up to eighty per cent of the eligible 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. 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 Administrative Services, in consultation with the Commissioner of Education, may waive any requirement in said chapter for good cause. On and after July 1, 2011, the Commissioner of Administrative Services shall approve only applications for reimbursement under this section that the Commissioner of Education finds will reduce racial, ethnic and economic isolation. Applications for reimbursement under this section for the construction of new interdistrict magnet schools shall not be accepted until the 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 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., as extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.

Sec. 94. Section 10-264o of the 2014 supplement to the general

House Bill No. 5597

statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Notwithstanding any provision of this chapter, interdistrict magnet schools that begin operations on or after July 1, 2008, pursuant to the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, may operate without district participation agreements and enroll students from any district through a lottery designated by the commissioner.

(b) For the fiscal year ending June 30, 2013, and each fiscal year thereafter, any tuition charged to a local or regional board of education by a regional educational service center operating an interdistrict magnet school [that began operations on or after July 1, 2008, pursuant to] assisting 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, for any student enrolled in kindergarten to grade twelve, inclusive, in such interdistrict magnet school shall be in an amount equal to the difference between (1) the average per pupil expenditure of the magnet school for the prior fiscal year, and (2) the amount of any per pupil state subsidy calculated under subsection (c) of section 10-264i plus any revenue from other sources calculated on a per pupil basis. If any such board of education fails to pay such tuition, the commissioner may withhold from such board's town or towns a sum payable under section 10-262i in an amount not to exceed the amount of the unpaid tuition to the magnet school and pay such money to the fiscal agent for the magnet school as a supplementary grant for the operation of the interdistrict magnet school program. In no case shall the sum of such tuitions exceed the difference between (A) the total

House Bill No. 5597

expenditures of the magnet school for the prior fiscal year, and (B) the total per pupil state subsidy calculated under subsection (c) of section 10-264l plus any revenue from other sources. The commissioner may conduct a comprehensive review of the operating budget of a magnet school to verify such tuition rate.

(c) (1) For the fiscal year ending June 30, 2013, a regional educational service center operating an interdistrict magnet school [that began operations on or after July 1, 2008, pursuant to] assisting 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, and offering a preschool program shall not charge tuition for a child enrolled in such preschool program.

(2) For the fiscal year ending June 30, 2014, a regional educational service center operating an interdistrict magnet school [that began operations on or after July 1, 2008, pursuant to] assisting 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, and offering a preschool program may charge tuition to the Department of Education for a child enrolled in such preschool program in an amount not to exceed an amount equal to the difference between (A) the average per pupil expenditure of the preschool program offered at the magnet school for the prior fiscal year, and (B) the amount of any per pupil state subsidy calculated under subsection (c) of section 10-264l plus any revenue from other sources calculated on a per pupil basis. The commissioner may conduct a comprehensive review of the operating budget of any such magnet school charging such tuition to verify such tuition rate.

House Bill No. 5597

(3) For the fiscal year ending June 30, 2015, and each fiscal year thereafter, a regional educational service center operating an interdistrict magnet school [that began operations on or after July 1, 2008, pursuant to] assisting 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, and offering a preschool program may charge tuition to the parent or guardian of a child enrolled in such preschool program in an amount that is in accordance with the sliding tuition scale adopted by the State Board of Education pursuant to section 10-264p. The Department of Education shall be financially responsible for any unpaid portion of the tuition not charged to such parent or guardian under such sliding tuition scale. Such tuition shall not exceed an amount equal to the difference between (A) the average per pupil expenditure of the preschool program offered at the magnet school for the prior fiscal year, and (B) the amount of any per pupil state subsidy calculated under subsection (c) of section 10-264l plus any revenue from other sources calculated on a per pupil basis. The commissioner may conduct a comprehensive review of the operating budget of any such magnet school charging such tuition to verify such tuition rate.

Sec. 95. Subsection (l) of section 10-66ee of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(l) Within available appropriations, the state may provide a grant in an amount not to exceed seventy-five thousand dollars to any newly approved state charter 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined

House Bill No. 5597

by the Commissioner of Education, for start-up costs associated with the new charter school program.

Sec. 96. Section 10-262s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The Commissioner of Education may, to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., transfer funds appropriated for the Sheff settlement to the following: (1) Grants for interdistrict cooperative programs pursuant to section 10-74d, (2) grants for state charter schools pursuant to section 10-66ee, (3) grants for the interdistrict public school attendance program pursuant to section 10-266aa, (4) grants for interdistrict magnet schools pursuant to section 10-264l, and (5) to technical high schools for programming.

Sec. 97. Subdivision (5) of subsection (a) of section 10-266m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(5) Notwithstanding the provisions of this section, the Commissioner of Education may provide grants, within available appropriations, in an amount not to exceed two thousand dollars per pupil, to local and regional boards of education and regional educational service centers that transport (A) out-of-district students to technical high schools located in Hartford, or (B) Hartford students attending a technical high school or a regional agricultural science and technology education center outside of the district, to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner, for the costs associated with such

House Bill No. 5597

transportation.

Sec. 98. Subsection (o) of section 10-266aa of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(o) Within available appropriations, the commissioner may make grants for academic student support for programs pursuant to this section that 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the commissioner.

Sec. 99. Section 10-283 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(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 Administrative Services. The application form shall require the superintendent of schools to affirm that the school district considered the maximization of natural light, the use and feasibility of wireless connectivity technology and, on and after July 1, 2014, the school safety infrastructure standards, developed by the School Safety Infrastructure Council, pursuant to section 10-292r, in projects for new

House Bill No. 5597

construction and alteration or renovation of a school building. 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 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., as extended, or the goals of the 2013 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. 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 Administrative Services not later than August thirty-first of each fiscal year. The Commissioner of Administrative Services shall review each grant application for a school building project for compliance with standards for school building projects pursuant to regulations, adopted in accordance with section 10-287c, and, on and after July 1, 2014, the school safety infrastructure standards, developed by the School Safety Infrastructure Council pursuant to section 10-292r. Notwithstanding the provisions of this chapter, the Board of Trustees of the Community-Technical Colleges on behalf of Quinebaug Valley Community College and Three Rivers 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, may apply for and shall be eligible to receive grants for school building projects pursuant to section 10-264h for such a school: (A) The Board of Trustees of the Community-Technical Colleges on

House Bill No. 5597

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, (E) cooperative arrangements pursuant to section 10-158a, and (F) any other third-party not-for-profit corporation approved by the Commissioner of Education.

(2) 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 of Education, who shall forward such application to the Commissioner of Administrative Services. The Commissioner of Administrative Services shall estimate the amount of the grant for which such project is

House Bill No. 5597

eligible, in accordance with the provisions of section 10-285a, provided an application for a school building project determined by the 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., as extended, or the goals of the 2013 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 of Administrative Services shall annually prepare a listing of all such eligible school building projects listed by category together with the amount of the estimated grants 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. 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. 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 of Education once, and a separate schedule of authorized projects which have changed in scope or cost to a degree determined by said commissioner twice. 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 Administrative 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

House Bill No. 5597

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 technical high 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 technical high school, may appear on the separate schedule of authorized projects which have changed in cost more than once, except the Commissioner of Administrative 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 changed in scope or cost to the degree determined by the Commissioner of Administrative 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 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 at the time a school building project on such schedule was originally authorized. The General Assembly shall annually authorize the Commissioner of Administrative 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 of Administrative 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)

House Bill No. 5597

or (6), as the case may be, of subsection (a) of section 10-286 when such project is completed and accepted by such regional school district.

(3) (A) All final calculations completed by the Department of Administrative Services for school building projects 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 of Administrative 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,

House Bill No. 5597

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 Administrative 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 Administrative 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 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) it is a school building project determined by the 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., as extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. The provisions of this subsection shall not

House Bill No. 5597

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 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.

Sec. 100. Subsection (h) of section 13 of public act 13-239 is amended to read as follows (*Effective July 1, 2014*):

(h) For the Department of Education:

(1) Grants-in-aid for capital start-up costs related to the development of new interdistrict magnet school programs to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et. al. v. William A. O'Neill, et al. for the purpose of purchasing a building or portable classrooms, subject to the reversion provisions in subdivision (1) of subsection (c) of section 10-264h of the general statutes, leasing space, renovating space and purchasing equipment, including, but not limited to, computers and classroom furniture, not exceeding \$17,000,000;

(2) Grants-in-aid to municipalities and organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, for facility improvements and minor capital repairs to that portion of facilities that house school readiness programs and state-funded day care centers operated by such municipalities and organizations, not exceeding \$11,500,000;

(3) Grants-in-aid to local or regional boards of education for capital

House Bill No. 5597

costs related to the expansion of enrollment in the state-wide interdistrict public school attendance program pursuant to section 10-266aa of the general statutes, to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et. al., for building renovations, classroom expansions and the purchase of equipment, including, but not limited to, computers, laboratory equipment and classroom furniture, not exceeding \$750,000.

Sec. 101. (*Effective from passage*) Notwithstanding the provisions of subdivision (1) of section 1 of public act 13-243 and section 10-264h of the general statutes or any regulation adopted by the State Board of Education or the Departments of Construction Services or Administrative Services concerning the reimbursement rate for the construction of interdistrict magnet schools, the Capitol Region Education Council may use ninety-five per cent as the reimbursement rate for the new interdistrict magnet facility construction and purchase of site project (Project Number 241-0102 MAG/N/PS) at the Greater Hartford Academy of the Arts Elementary Magnet School.

Sec. 102. (*Effective from passage*) Notwithstanding the provisions of subdivision (1) of section 1 of public act 13-243 and section 10-264h of the general statutes or any regulation adopted by the State Board of Education or the Departments of Construction Services or Administrative Services concerning the reimbursement rate for the construction of interdistrict magnet schools, the Capitol Region Education Council may use ninety-five per cent as the reimbursement rate for the new interdistrict magnet facility construction and purchase of site project (Project Number 241-0103 MAG/N/PS) at the Greater Hartford Academy of the Arts Middle Magnet School.

Sec. 103. (*Effective from passage*) Notwithstanding the provisions of subdivision (1) of section 1 of public act 13-243 and section 10-264h of

House Bill No. 5597

the general statutes or any regulation adopted by the State Board of Education or the Departments of Construction Services or Administrative Services concerning the reimbursement rate for the construction of interdistrict magnet schools, the Capitol Region Education Council may use ninety-five per cent as the reimbursement rate for the new interdistrict magnet facility construction and purchase of site project (Project Number 241-0104 MAG/N/PS) at the Two Rivers Magnet High School.

Sec. 104. Section 96 of public act 11-57 is amended to read as follows (*Effective July 1, 2014*):

Notwithstanding the provisions of section 10-287i of the general statutes or any regulation adopted by the State Board of Education requiring payment of the state share of eligible project costs and filing notice of authorization of funding for the local share of project costs, the Commissioner of Education may pay both the state share of eligible project costs and the local share of eligible project costs to the Capitol Region Education Council for the following interdistrict magnet school building projects: (1) Reggio Magnet School of the Arts (Project Number 241-0095 MAG/N), (2) International Magnet School for Global Citizenship (Project Number 241-0098 MAG/N), (3) Public Safety Academy (Project Number 241-0097 MAG/N), (4) Medical Professions and Teacher Preparation Academy (Project Number 241-0096 MAG/N), (5) Academy of Aerospace (Project Number 241-0099 MAG/N), (6) Discovery Academy (Project Number 241-0100 MAG/N), [and] (7) Museum Academy (Project Number 241-0101 MAG/N), (8) Greater Hartford Academy of the Arts Elementary Magnet School, (Project Number 241-0102 MAG/N/PS), (9) Greater Hartford Academy of the Arts Middle School (Project Number 241-0103 MAG/N/PS), and (10) Two Rivers Magnet High School (Project Number 241-0104 MAG/N/PS), provided the project is in compliance with the provisions of chapter 173 of the general statutes and any

House Bill No. 5597

regulation adopted by the State Board of Education. Upon completion of each project audit conducted pursuant to section 10-287 of the general statutes, the Department of Construction Services shall (A) compute the local share of the project cost in accordance with the provisions of chapter 173 of the general statutes, (B) determine a repayment schedule of the local share based on twenty equal annual principal payments, (C) apply a fixed rate of interest, as determined by the State Treasurer, over the life of the repayment period, and (D) determine a schedule of interest payments due from the Capitol Region Education Council based on the outstanding principal at the time the principal payment is made. The Commissioner of Construction Services shall notify the Commissioner of Education of the annualized repayment amounts for each project that shall be withheld from the operating grant paid to the Capitol Region Education Council pursuant to section 10-264l of the general statutes at such time and in such manner as the Commissioner of Education prescribes. The Commissioner of Education shall annually transfer such withheld annualized repayment amounts to the School Building Construction Fund established pursuant to section 10-287e of the general statutes.

Sec. 105. Subdivision (1) of subsection (g) of section 32 of public act 13-239 is amended to read as follows (*Effective July 1, 2014*):

(g) For the Department of Education:

(1) Grants-in-aid for capital start-up costs related to the development of new interdistrict magnet school programs to 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 extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., for the purpose of purchasing a building or portable classrooms, subject to the reversion provisions in subdivision (1) of subsection (c) of section 10-264h of the general statutes, leasing space, renovating

House Bill No. 5597

space and purchasing equipment, including, but not limited to, computers and classroom furniture, not exceeding \$7,500,000;

Sec. 106. (*Effective from passage*) Notwithstanding the provisions of section 19 of public act 13-239, grants-in-aid for capital start-up costs paid to the Capitol Region Education Council, in accordance with subdivision (1) of subsection (h) of section 13 of public act 13-239 and used pursuant to said subsection (h) shall not be subject to lien or repayment.

Sec. 107. (*Effective from passage*) Notwithstanding the provisions of section 38 of public act 13-239, grants-in-aid for capital start-up costs paid to the Capitol Region Education Council, in accordance with subdivision (1) of subsection (g) of section 32 of public act 13-239, as amended by this act, and used pursuant to said subsection (g) shall not be subject to lien or repayment.

Sec. 108. Subdivision (4) of subsection (a) of section 10-266m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) Notwithstanding the provisions of this section, for the fiscal years ending June 30, 2004, to June 30, [2013] 2015, inclusive, the amount of transportation grants payable to local or regional boards of education shall be reduced proportionately if the total of such grants in such year exceeds the amount appropriated for such grants for such year.

Sec. 109. Subsections (f) and (g) of section 10-266p of the 2014 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) In addition to the amounts allocated in subsection (a), and subsections (c) to (e), inclusive, of this section, for the fiscal year ending June 30, 2006, the State Board of Education shall allocate two

House Bill No. 5597

million thirty-nine thousand six hundred eighty-six dollars to the towns that rank one to three, inclusive, in population pursuant to subdivision (1) of said subsection (a), and for the fiscal years ending June 30, 2007, to June 30, [2013] 2015, the State Board of Education shall allocate two million six hundred ten thousand seven hundred ninety-eight dollars to the towns that rank one to three, inclusive, in population pursuant to subdivision (1) of said subsection (a).

(g) In addition to the amounts allocated in subsection (a) and subsections (c) to (f), inclusive, of this section, for the fiscal year ending June 30, 2012, [and each fiscal year thereafter,] the State Board of Education shall allocate three million two hundred sixteen thousand nine hundred eight dollars as follows: Each priority school district shall receive an allocation based on the ratio of the amount it is eligible to receive pursuant to subsection (a) and subsections (c) to (f), inclusive, of this section to the total amount all priority school districts are eligible to receive pursuant to said subsection (a) and said subsections (c) to (f), inclusive. For the fiscal year ending June 30, [2013] 2014, the State Board of Education shall allocate [two million nine hundred twenty-nine thousand three hundred sixty-four] two million nine hundred twenty-five thousand four hundred eighty-one dollars as follows: Each priority school district shall receive an allocation based on the ratio of the amount it is eligible to receive pursuant to subsection (a) of this section and subsections (c) to (f), inclusive, of this section to the total amount all priority school districts are eligible to receive pursuant to subsection (a) of this section and subsections (c) to (f), inclusive, of this section. For the fiscal year ending June 30, 2015, the State Board of Education shall allocate two million eight hundred eighty-two thousand three hundred sixty-eight dollars as follows: Each priority school district shall receive an allocation based on the ratio of the amount it is eligible to receive pursuant to subsection (a) of this section and subsections (c) to (f), inclusive, of this section to the total amount all priority school districts

House Bill No. 5597

are eligible to receive pursuant to subsection (a) of this section and subsections (c) to (f), inclusive, of this section. For the fiscal year ending June 30, 2014, a priority school district may carry forward any unexpended funds allocated after May 1, 2014, pursuant to this subsection, into the fiscal year ending June 30, 2015.

Sec. 110. Subdivision (20) of section 10-262f of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(20) "Regular program expenditures" means (A) total current educational expenditures less (B) expenditures for (i) special education programs pursuant to subsection (h) of section 10-76f, (ii) pupil transportation eligible for reimbursement pursuant to section 10-266m, (iii) land and capital building expenditures, and equipment otherwise supported by a state grant pursuant to chapter 173, including debt service, [(iii)] (iv) health services for nonpublic school children, [(iv)] (v) adult education, (C) expenditures directly attributable to (i) state grants received by or on behalf of school districts except grants for the categories of expenditures listed in subparagraphs (B)(i) to (B)(iv), inclusive, of this subdivision and except grants received pursuant to section 10-262i and section 10-262c of the general statutes, revision of 1958, revised to January 1, 1987, and except grants received pursuant to chapter 173, (ii) federal grants received by or on behalf of school districts except for adult education and federal impact aid, and (iii) receipts from the operation of child nutrition services and student activities services, (D) expenditures of funds from private and other sources, and (E) tuition received on account of nonresident students. The town of Woodstock may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by Woodstock Academy from income from its endowment funds upon receipt from said academy of a certified statement of such current expenses. The town of Winchester

House Bill No. 5597

may include as part of the current expenses of its public school for each school year the amount expended for current expenses in that year by the Gilbert School from income from its endowment funds upon receipt from said school of a certified statement of such current expenses.

Sec. 111. Subdivision (43) of section 10-262f of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(43) "Median household income adjustment factor" means the ratio of the median household income of the town to one and one-half times the median household income of the town with the median household income when all towns are ranked according to median household income.

Sec. 112. Subsections (b) to (d), inclusive, of section 10-66ee of the 2014 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) The local board of education of the school district in which a student enrolled in a local charter school resides shall pay, annually, in accordance with its charter, to the fiscal authority for the charter school for each such student the amount specified in its charter, including the reasonable special education costs of students requiring special education. The board of education shall be eligible for reimbursement for such special education costs pursuant to section 10-76g.

(2) The local or regional board of education of the school district in which the local charter school is located shall be responsible for the financial support of such local charter school at a level that is at least equal to the product of (A) the per pupil cost for the [prior fiscal year, less the reimbursement pursuant to section 10-76g for the current fiscal year] fiscal year two years prior to the fiscal year for which support

House Bill No. 5597

will be provided, and (B) the number of students attending such local charter school in the current fiscal year. As used in this subdivision, "per pupil cost" means, for a local or regional board of education, the quotient of the [net current expenditures] current program expenditures, as defined in [subdivision (3) of section 10-261] section 10-262f, divided by the [average daily membership, as defined in subdivision (2) of section 10-261,] number of resident students, as defined in section 10-262f, of such local or regional board of education.

(c) (1) For the fiscal year ending June 30, 2014, and each fiscal year thereafter, the State Board of Education may approve, within available appropriations, a per student grant to a local charter school described in subsection [(b)] (c) of section [10-66nn] 10-66bb in an amount not to exceed three thousand dollars for each student enrolled in such local charter school, provided the local or regional board of education for such local charter school and the representatives of the exclusive bargaining unit for certified employees, chosen pursuant to section 10-153b, mutually agree on staffing flexibility in such local charter school, and such agreement is approved by the State Board of Education. [For the purposes of equalization aid grants pursuant to section 10-262h, the] The state shall make such payments, in accordance with this subsection, to the town in which a local charter school is located as follows: Twenty-five per cent of the amount not later than July fifteenth and September first based on estimated student enrollment on May first, and twenty-five per cent of the amount not later than January first and the remaining amount not later than April [fifteenth] first, each based on student enrollment on October first.

(2) The town shall pay to the fiscal authority for a local charter school the portion of the amount paid to the town pursuant to subdivision (1) of this subsection attributable for students enrolled in such local charter school. Such payments shall be made as follows: Twenty-five per cent of the amount not later than July twentieth and

House Bill No. 5597

September fifteenth and twenty-five per cent of the amount not later than January fifteenth and the remaining amount not later than April fifteenth.

(d) (1) For the purposes of equalization aid grants pursuant to section 10-262h, the state shall pay in accordance with this subsection, to the town in which a state charter school is located for each student enrolled in such school, for the fiscal year ending June 30, 2013, ten thousand two hundred dollars, for the fiscal year ending June 30, 2014, ten thousand five hundred dollars, and for the fiscal year ending June 30, 2015, and each fiscal year thereafter, eleven thousand dollars. Such payments shall be made as follows: Twenty-five per cent of the amount not later than July fifteenth and September first based on estimated student enrollment on May first, and twenty-five per cent of the amount not later than January first and the remaining amount not later than April ~~[fifteenth]~~ first, each based on student enrollment on October first. Notwithstanding the provisions of this subdivision, the payment of the remaining amount made not later than April 15, 2013, shall be within available appropriations and may be adjusted for each student on a pro rata basis.

(2) The town shall pay to the fiscal authority for a state charter school the portion of the amount paid to the town pursuant to subdivision (1) of this subsection attributable for students enrolled in such state charter school. Such payments shall be made as follows: Twenty-five per cent of the amount not later than July twentieth and September fifteenth and twenty-five per cent of the amount not later than January fifteenth and the remaining amount not later than April fifteenth.

(3) In the case of a student identified as requiring special education, the school district in which the student resides shall: (A) Hold the planning and placement team meeting for such student and shall invite representatives from the charter school to participate in such

House Bill No. 5597

meeting; and (B) pay the state charter school, on a quarterly basis, an amount equal to the difference between the reasonable cost of educating such student and the sum of the amount received by the state charter school for such student pursuant to subdivision (2) of this subsection and amounts received from other state, federal, local or private sources calculated on a per pupil basis. Such school district shall be eligible for reimbursement pursuant to section 10-76g. The charter school a student requiring special education attends shall be responsible for ensuring that such student receives the services mandated by the student's individualized education program whether such services are provided by the charter school or by the school district in which the student resides.

Sec. 113. Subsection (c) of section 10-262i of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) All aid distributed to a town pursuant to the provisions of this section and section 10-262u shall be expended for educational purposes only and shall be expended upon the authorization of the local or regional board of education and in accordance with the provisions of section 10-262u. For the fiscal year ending June 30, 1999, and each fiscal year thereafter, if a town receives an increase in funds pursuant to this section over the amount it received for the prior fiscal year, such increase shall not be used to supplant local funding for educational purposes. The budgeted appropriation for education in any town receiving an increase in funds pursuant to this section shall be not less than the amount appropriated for education for the prior year plus such increase in funds.

Sec. 114. Subsections (c) and (d) of section 10-262u of the 2014 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

House Bill No. 5597

(c) (1) (A) For the fiscal year ending June 30, 2013, the Comptroller shall withhold from a town designated as an alliance district any increase in funds received over the amount the town received for the prior fiscal year pursuant to section 10-262h. The Comptroller shall transfer such funds to the Commissioner of Education. (B) For the fiscal years ending June 30, 2014, and June 30, 2015, the Comptroller shall withhold from a town designated as an alliance district any increase in funds received over the amount the town received for the fiscal year ending June 30, 2012, pursuant to subsection (a) of section 10-262i. The Comptroller shall transfer such funds to the Commissioner of Education.

(2) Upon receipt of an application pursuant to subsection (d) of this section, the Commissioner of Education may pay such funds to the town designated as an alliance district and such town shall pay all such funds to the local or regional board of education for such town on the condition that such funds shall be expended in accordance with the plan described in subsection (d) of this section, the provisions of subsection (c) of section 10-262i, and any guidelines developed by the State Board of Education for such funds. Such funds shall be used to improve student achievement in such alliance district and to offset any other local education costs approved by the commissioner.

(d) The local or regional board of education for a town designated as an alliance district may apply to the Commissioner of Education, at such time and in such manner as the commissioner prescribes, to receive any increase in funds received over the amount the town received for the prior fiscal year pursuant to subsection (a) of section 10-262i. Applications pursuant to this subsection shall include objectives and performance targets and a plan that may include, but not be limited to, the following: (1) A tiered system of interventions for the schools under the jurisdiction of such board based on the needs of such schools, (2) ways to strengthen the foundational programs in

House Bill No. 5597

reading, through the intensive reading instruction program pursuant to section 10-14u, to ensure reading mastery in kindergarten to grade three, inclusive, with a focus on standards and instruction, proper use of data, intervention strategies, current information for teachers, parental engagement, and teacher professional development, (3) additional learning time, including extended school day or school year programming administered by school personnel or external partners, (4) a talent strategy that includes, but is not limited to, teacher and school leader recruitment and assignment, career ladder policies that draw upon guidelines for a model teacher evaluation program adopted by the State Board of Education, pursuant to section 10-151b, and adopted by each local or regional board of education. Such talent strategy may include provisions that demonstrate increased ability to attract, retain, promote and bolster the performance of staff in accordance with performance evaluation findings and, in the case of new personnel, other indicators of effectiveness, (5) training for school leaders and other staff on new teacher evaluation models, (6) provisions for the cooperation and coordination with early childhood education providers to ensure alignment with district expectations for student entry into kindergarten, including funding for an existing local Head Start program, (7) provisions for the cooperation and coordination with other governmental and community programs to ensure that students receive adequate support and wraparound services, including community school models, (8) provisions for implementing and furthering state-wide education standards adopted by the State Board of Education and all activities and initiatives associated with such standards, and (9) any additional categories or goals as determined by the commissioner. Such plan shall demonstrate collaboration with key stakeholders, as identified by the commissioner, with the goal of achieving efficiencies and the alignment of intent and practice of current programs with conditional programs identified in this subsection. The commissioner may (A) require changes in any plan submitted by a local or regional board of education before the

House Bill No. 5597

commissioner approves an application under this subsection, and (B) permit a local or regional board of education, as part of such plan, to use a portion of any funds received under this section for the purposes of paying tuition charged to such board pursuant to subdivision (1) of subsection (k) of section 10-264l or subsection (b) of section 10-264o.

Sec. 115. Subdivision (1) of subsection (b) of section 10-14n of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(b) (1) For the school year commencing July 1, 2013, and each school year thereafter, each student enrolled in grades three to eight, inclusive, and grade ten or eleven in any public school shall, annually, [in March or April,] take a mastery examination in reading, writing and mathematics.

Sec. 116. Section 197 of public act 11-48 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An interdistrict magnet school program that is not in compliance with the racial minorities enrollment requirements of section 10-264l of the general statutes, as amended by [this act] public act 11-48, following the submission of student information data [of] for such program to the state-wide public school information system, pursuant to section 10-10a of the general statutes, on or before October 1, [2011] 2013, and October 1, [2012] 2014, due to changes in the 2010 federal racial reporting requirements relating to the collection of racial and ethnic data, as described in the Federal Register of October 19, 2007, shall maintain such program's status as an interdistrict magnet school program and remain eligible for an interdistrict magnet school operating grant pursuant to section 10-264l of the general statutes, as amended by [this act] public act 11-48, if such program submits a compliance plan to the Commissioner of Education and the commissioner approves such plan.

House Bill No. 5597

(b) On or before January 1, [2013] 2015, the Department of Education shall submit to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes, recommendations for legislation to amend the racial minority enrollments requirements for interdistrict magnet school programs pursuant to section 10-264l of the general statutes, as amended by [this act] public act 11-48, to conform with changes in the federal law. Such plan shall reflect the regional demographics of the interdistrict magnet school programs and the diverse racial, ethnic and socio-economic needs of the student populations attending interdistrict magnet school programs.

Sec. 117. Section 5 of public act 11-85, as amended by section 4 of public act 12-116, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the school years commencing July 1, 2011, to July 1, [2013] 2015, inclusive, the Commissioner of Education may identify schools to participate in a pilot study for the purposes of promoting best practices in early literacy and closing the academic achievement gaps. The pilot study may assess the reading levels of students more than two times a year and utilize various assessment tools, including, but not limited to, assessments conducted pursuant to section 10-265g of the general statutes, as amended by public act 11-85. The Commissioner of Education may waive the assessments, described in said section 10-265g, for certain grade levels in participating schools. The schools participating in the pilot study shall comply with federal assessment requirements. The Department of Education may research and evaluate participating schools and such research and evaluation may be conducted in conjunction with external groups or organizations. The commissioner may accept funds from private sources and from any state or federal grants. Not later than October 1, [2014] 2016, the

House Bill No. 5597

department shall report to the joint standing [committee] committees of the General Assembly having cognizance of matters relating to education and appropriations, in accordance with the provisions of section 11-4a of the general statutes, on the findings of the pilot study. For purposes of this section, "achievement gaps" means the existence of a significant disparity in the academic performance of students among and between (1) racial groups, (2) ethnic groups, (3) socioeconomic groups, (4) genders, and (5) English language learners and students whose primary language is English.

Sec. 118. Subsections (a) and (b) of section 10-65 of the 2014 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Each local or regional school district operating an agricultural science and technology education center approved by the State Board of Education for program, educational need, location and area to be served shall be eligible for the following grants: (1) In accordance with the provisions of chapter 173, through progress payments in accordance with the provisions of section 10-287i, (A) for projects for which an application was filed prior to July 1, 2011, ninety-five per cent, and (B) for projects for which an application was filed on or after July 1, 2011, eighty per cent of the net eligible costs of constructing, acquiring, renovating and equipping approved facilities to be used for such agricultural science and technology education center, for the expansion or improvement of existing facilities or for the replacement or improvement of equipment therein, and (2) subject to the provisions of section 10-65b, in an amount equal to [two thousand seven hundred fifty] three thousand two hundred dollars per student for every secondary school student who was enrolled in such center on October first of the previous year.

(b) Each local or regional board of education not maintaining an agricultural science and technology education center shall provide

House Bill No. 5597

opportunities for its students to enroll in one or more such centers in a number that is at least equal to the number specified in any written agreement with each such center or centers, or in the absence of such an agreement, a number that is at least equal to the average number of its students that the board of education enrolled in each such center or centers during the previous three school years, provided, in addition to such number, each such board of education shall provide opportunities for its students to enroll in the ninth grade in a number that is at least equal to the number specified in any written agreement with each such center or centers, or in the absence of such an agreement, a number that is at least equal to the average number of students that the board of education enrolled in the ninth grade in each such center or centers during the previous three school years. If a local or regional board of education provided opportunities for students to enroll in more than one center for the school year commencing July 1, 2007, such board of education shall continue to provide such opportunities to students in accordance with this subsection. The board of education operating an agricultural science and technology education center may charge, subject to the provisions of section 10-65b, tuition for a school year in an amount not to exceed [~~sixty-two and forty-seven one-hundredths~~] fifty-nine and two-tenths per cent of the foundation level pursuant to subdivision (9) of section 10-262f, per student for the fiscal year in which the tuition is paid, except that such board may charge tuition for (1) students enrolled under shared-time arrangements on a pro rata basis, and (2) special education students which shall not exceed the actual costs of educating such students minus the amounts received pursuant to subdivision (2) of subsection (a) of this section and subsection (c) of this section. Any tuition paid by such board for special education students in excess of the tuition paid for non-special-education students shall be reimbursed pursuant to section 10-76g.

Sec. 119. Subsection (g) of section 10-65 of the 2014 supplement to

House Bill No. 5597

the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(g) Notwithstanding the provisions of sections 10-51 and 10-222, for the fiscal year ending June 30, [2014] 2015, any amount received by a local or regional board of education pursuant to subdivision (2) of subsection (a) of this section that exceeds the amount appropriated for education by the municipality or the amount in the budget approved by such regional board of education for purposes of said subdivision (2) of subsection (a) of this section, shall be available for use by such local or regional board of education, provided such excess amount is spent in accordance with the provisions of subdivision (2) of subsection (a) of this section.

Sec. 120. Section 46b-15 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) Any family or household member, as defined in section 46b-38a, who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member may make an application to the Superior Court for relief under this section.

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and

House Bill No. 5597

such dependent children or other persons as the court sees fit. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing.

(c) Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary

House Bill No. 5597

utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.

(d) At the hearing on any application under this section, if the court grants relief pursuant to subsection (b) of this section and the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, any orders entered by the court may include, in addition to the orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects; or (3) an order that the

House Bill No. 5597

respondent: (A) Make rent or mortgage payments on the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (B) maintain utility services or other necessary services related to the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (C) maintain all existing health, automobile or homeowners insurance coverage without change in coverage or beneficiary designation, or (D) provide financial support for the benefit of any dependent child or children in common of the applicant and the respondent, provided the respondent has a legal duty to support such child or children and the ability to pay. The court shall not enter any order of financial support without sufficient evidence as to the ability to pay, including, but not limited to, financial affidavits. If at the hearing no order is entered under this subsection or subsection (c) of this section, no such order may be entered thereafter pursuant to this section. Any order entered pursuant to this subsection shall not be subject to modification and shall expire one hundred twenty days after the date of issuance or upon issuance of a superseding order, whichever occurs first. Any amounts not paid or collected under this subsection or subsection (c) of this section may be preserved and collectable in an action for dissolution of marriage, custody, paternity or support.

[(c)] (e) Every order of the court made in accordance with this section shall contain the following language: (1) "This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars or both."; and (2) "In accordance with section 53a-223b of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of

House Bill No. 5597

subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both."

[(d)] (f) No order of the court shall exceed one year, except that an order may be extended by the court upon motion of the applicant for such additional time as the court deems necessary. If the respondent has not appeared upon the initial application, service of a motion to extend an order may be made by first-class mail directed to the respondent at the respondent's last-known address.

[(e)] (g) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than five days before the hearing. The cost of such service shall be paid for by the Judicial Branch. Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law

House Bill No. 5597

enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance of such order. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-156b, if any, at the institution of higher education at which the victim is enrolled.

[(f)] (h) A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.

[(g)] (i) When a motion for contempt is filed for violation of a restraining order, there shall be an expedited hearing. Such hearing shall be held within five court days of service of the motion on the respondent, provided service on the respondent is made not less than twenty-four hours before the hearing. If the court finds the respondent in contempt for violation of an order, the court may impose such sanctions as the court deems appropriate.

House Bill No. 5597

[(h)] (j) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.

Sec. 121. (*Effective from passage*) (a) There is established a task force to study service of restraining orders issued pursuant to section 46b-15 of the general statutes. Such study shall include, but not be limited to, an examination of: (1) Policies, procedures and regulations relating to the service of such restraining orders by state marshals, including any policies, procedures or regulations relating to the methods by which a state marshal is initially notified of the need to effectuate service of a restraining order; (2) the length of time available to effectuate service of a restraining order; (3) the permissible methods of service; (4) the effectiveness of the respondent profile information sheet and marshal access to databases containing identifiable respondent information; (5) reimbursement rates for service of restraining orders, including an assessment of reimbursement rates used in other states; (6) best practices established by other states, if any, with respect to service of restraining orders; and (7) the feasibility of expanding which persons shall be authorized to serve restraining orders.

(b) The task force shall consist of the following members:

(1) Two appointed by the president pro tempore of the Senate, one of whom shall be a representative of the Connecticut Coalition Against Domestic Violence and one of whom shall be a representative of the office of the Chief State's Attorney;

(2) Two appointed by the speaker of the House of Representatives, one of whom shall be a representative of the Speaker's Task Force on Domestic Violence and one of whom shall be a victim of domestic violence;

(3) Two appointed by the majority leader of the Senate, one of whom shall be a representative of the State Marshal Commission and

House Bill No. 5597

one of whom shall be an advocate for victims of domestic violence;

(4) Two appointed by the majority leader of the House of Representatives, one of whom shall be a representative of the state police force and one of whom shall be a state marshal;

(5) Two appointed by the minority leader of the Senate, one of whom shall be a representative of the Connecticut Police Chiefs Association and one of whom shall be a representative of the Office of the Chief Public Defender;

(6) Two appointed by the minority leader of the House of Representatives, one of whom shall be a representative of the legal aid assistance programs in the state and one of whom shall be a state marshal;

(7) Two appointed by the Governor, one of whom shall be a representative of the Connecticut Police Chiefs Association and one of whom shall be a representative of the Office of the Victim Advocate; and

(8) Two appointed by the Chief Court Administrator, one of whom shall be a judge of the Superior Court assigned to hear civil matters and one of whom shall be an employee of the Judicial Branch whose duties concern the operations of the Superior Court.

(c) All appointments to the task force 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 speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

House Bill No. 5597

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall serve as administrative staff of the task force.

(f) Not later than December 15, 2014, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or December 15, 2014, whichever is later.

Sec. 122. Section 53a-223 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) A person is guilty of criminal violation of a protective order when an order issued pursuant to subsection (e) of section 46b-38c, or section 54-1k or 54-82r has been issued against such person, and such person violates such order.

(b) No person who is listed as a protected person in such protective order may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the protective order pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such protective order pursuant to section 53a-48.

(c) Criminal violation of a protective order is a class D felony, except that any violation of a protective order that involves (1) imposing any restraint upon the person or liberty of a person in violation of the protective order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the protective order is a class C felony.

Sec. 123. Section 53a-223a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

House Bill No. 5597

(a) A person is guilty of criminal violation of a standing criminal protective order when an order issued pursuant to subsection (a) of section 53a-40e has been issued against such person, and such person violates such order.

(b) No person who is listed as a protected person in such standing criminal protective order may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the standing criminal protective order pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such standing criminal protective order pursuant to section 53a-48.

(c) Criminal violation of a standing criminal protective order is a class D felony, except that any violation that involves (1) imposing any restraint upon the person or liberty of a person in violation of the standing criminal protective order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the standing criminal protective order is a class C felony.

Sec. 124. Section 53a-223b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) A person is guilty of criminal violation of a restraining order when (1) (A) a restraining order has been issued against such person pursuant to section 46b-15, or (B) a foreign order of protection, as defined in section 46b-15a, has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another, and (2) such person, having knowledge of the terms of the order, (A) does not stay away from a person or place in violation of the order, (B) contacts a person in violation of the order, (C) imposes any restraint upon the person or liberty of a person in violation of the order, or (D) threatens, harasses, assaults, molests, sexually assaults or attacks a person in violation of the order.

House Bill No. 5597

(b) No person who is listed as a protected person in such restraining order or foreign order of protection may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the restraining order or foreign order of protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such restraining order or foreign order of protection pursuant to section 53a-48.

(c) [Criminal] (1) Except as provided in subdivision (2) of this subsection, criminal violation of a restraining order is a class D felony.

(2) Criminal violation of a restraining order is a class C felony if the offense is a violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of this section.

Sec. 125. Subsection (e) of section 46b-38c of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(e) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including, but not limited to, an order enjoining the defendant from (1) imposing any restraint upon the person or liberty of the victim, (2) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or (3) entering the family dwelling or the dwelling of the victim. A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal. Such order shall be made a condition of the bail or release of the defendant and shall contain the following notification: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than

House Bill No. 5597

[five] ten years, a fine of not more than [five] ten thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release, and may result in raising the amount of bail or revoking release." Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c.

Sec. 126. Subsection (b) of section 54-1k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(b) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including but not limited to, an order enjoining the defendant from (1) imposing any restraint upon the person or liberty of the victim, (2) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or (3) entering the dwelling of the victim. A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal. Such order shall be made a condition of the bail or release of the defendant and shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order

House Bill No. 5597

constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than [five] ten years, a fine of not more than [five] ten thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release and may result in raising the amount of bail or revoking release."

Sec. 127. Subsection (b) of section 54-82r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(b) A protective order shall set forth the reasons for the issuance of such order, be specific in terms and describe in reasonable detail, and not by reference to the complaint or other document, the act or acts being restrained. A protective order issued under this section may include provisions necessary to protect the witness from threats, harassment, injury or intimidation by the adverse party including, but not limited to, enjoining the adverse party from (1) imposing any restraint upon the person or liberty of the witness, (2) threatening, harassing, assaulting, molesting or sexually assaulting the witness, or (3) entering the dwelling of the witness. Such order shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than [five] ten years, a fine of not more than [five] ten thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by

House Bill No. 5597

a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both." If the adverse party is the defendant in the criminal case, such order shall be made a condition of the bail or release of the defendant and shall also contain the following language: "Violation of this order also violates a condition of your bail or release and may result in raising the amount of bail or revoking release."

Sec. 128. Subsection (c) of section 53a-40e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(c) Such standing criminal protective order shall include the following notice: "In accordance with section 53a-223a of the Connecticut general statutes, violation of this order shall be punishable by a term of imprisonment of not less than one year nor more than [five] ten years, a fine of not more than [five] ten thousand dollars, or both."

Sec. 129. Subsection (b) of section 29-36n of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(b) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall update the protocol developed pursuant to subsection (a) of this section to reflect the provisions of sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections (b) and [(e)] (g) of section 46b-15, subsections (c) and (d) of section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217 and shall include in such protocol specific instructions for the transfer, delivery or surrender of pistols and revolvers and other firearms and ammunition when the assistance of more than one law enforcement agency is necessary to effect the requirements of section 29-36k.

House Bill No. 5597

Sec. 130. (*Effective Deleted*)

Sec. 131. (NEW) (*Effective October 1, 2014*) (a) The Department of Consumer Protection shall, in consultation with the Connecticut Pharmacists Association and the Connecticut Police Chiefs Association, develop and implement a program for the collection and disposal of unwanted pharmaceuticals. Such program shall provide for (1) a secure locked box that is accessible to the public on a twenty-four-hour daily basis for the anonymous drop-off of unwanted pharmaceuticals at each municipal police station, and (2) the transport of such pharmaceuticals to an appropriate facility for witnessed incineration.

(b) The Department of Consumer Protection shall, within available appropriations, organize a public awareness campaign to educate the public concerning the dangers of unsafe disposal of pharmaceuticals and of the availability of the pharmaceutical collection and disposal program at municipal police stations.

(c) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 132. (*Effective July 1, 2014*) (a) For purposes of this section:

(1) "Preschool-aged child" means any child age three to five, inclusive, who is placed in out-of-home care by the Commissioner of Children and Families pursuant to an order of commitment under section 46b-129 of the general statutes and who is not enrolled in a preschool program or kindergarten at the time of such placement; and

(2) "Eligible preschool program" means (A) a school readiness program, as defined in section 10-16p of the general statutes, (B) a preschool program offered by a local or regional board of education or regional educational service center, (C) a preschool program accredited

House Bill No. 5597

by the National Association for the Education of Young Children, (D) a Head Start program, or (E) any preschool program that the commissioner deems suitable to meet the needs of the child.

(b) Not later than January 1, 2015, the Commissioner of Children and Families, in consultation with the Office of Early Childhood, shall (1) adopt policies and procedures that maximize the enrollment of eligible preschool-aged children in eligible preschool programs, and (2) submit such policies and procedures to the joint standing committees of the General Assembly having cognizance of matters relating to children, human services, education and appropriations, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 133. (*Effective from passage*) Not later than January 1, 2015, the Commissioner of Children and Families, in consultation with the Office of Early Childhood, 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 children, human services, education and appropriations concerning (1) the number of eligible preschool-aged children, as defined in section 132 of this act, who are enrolled in an eligible preschool program, as defined in section 132 of this act, at the time that such children are placed in out-of-home care by the Commissioner of Children and Families pursuant to an order of commitment under section 46b-129 of the general statutes, (2) the number of eligible preschool-aged children who are not enrolled in an eligible preschool program at the time of such placement, (3) the number of children age birth to three, inclusive, who are placed in out-of-home care by the Commissioner of Children and Families pursuant to an order of commitment under section 46b-129 of the general statutes, (4) the number of eligible preschool-aged children who require special education and related services and the number and percentage of such children who enrolled in a preschool program, (5)

House Bill No. 5597

an analysis of the availability of spaces in eligible preschool programs in relation to the geographic placement of eligible preschool-aged children described in subdivision (2) of this section, (6) an analysis of the availability of spaces in eligible preschool programs in relation to the nature of such eligible preschool program and the cost of such eligible preschool program to the Department of Children and Families, (7) an analysis of eligible preschool programs and transportation options that will minimize costs to the department, including eligible preschool programs that provide transportation or whose geographic proximity to a child's placement is such that the provision of transportation by a foster parent or caregiver is considered within the reasonable expectations of the duties of such foster parent or caregiver, and (8) a plan to provide priority access to eligible preschool-aged children described in subdivision (2) of this section at state and federally-funded preschool programs.

Sec. 134. (NEW) (*Effective July 1, 2014*) (a) The Commissioner of Social Services and the Labor Commissioner shall permit a recipient of temporary family assistance to take education courses as part of the requirements of the recipient's employability plan, established pursuant to section 17b-689c of the general statutes, provided: (1) The state complies with federal work participation requirements for the employment services program established pursuant to section 17b-688c of the general statutes, and (2) the education courses are approved pursuant to subsection (b) of this section.

(b) To the extent permissible under federal law, the Labor Commissioner, in consultation with the Commissioner of Social Services, may approve education courses as required employment activities for a recipient of temporary family assistance. Education courses that may be approved include, but are not limited to: (1) Two-year or four-year college degree programs, and (2) high school graduate equivalency degree or basic education programs for

House Bill No. 5597

recipients otherwise ineligible to enroll in such programs during their first twenty weekly hours of required employment activities.

(c) The Labor Commissioner, in consultation with the Commissioner of Social Services, shall implement policies and procedures to establish (1) which programs may qualify as an approved employment activity, and (2) enrollment and academic requirements for students who are recipients of temporary family assistance. The Labor Commissioner shall implement such policies and procedures while in the process of adopting such policies and procedures in regulation form, provided the Labor Commissioner provides notice of intent to adopt the regulations in accordance with section 4-168 of the general statutes not later than twenty days after implementing such policies and procedures. Policies and procedures implemented pursuant to this subsection shall be valid until the time final regulations are effective.

(d) Nothing in this section shall be construed as requiring the state to pay for the tuition of any recipient of temporary family assistance.

Sec. 135. (NEW) (*Effective from passage*) (a) As used in this section:

(1) "Complex rehabilitation technology" means products classified as durable medical equipment within the Medicare program as of January 1, 2013, that are individually configured and medically necessary for individuals to meet their specific and unique medical, physical and functional needs and capacities for basic and instrumental activities of daily living. Complex rehabilitation technology includes, but is not limited to, (A) complex rehabilitation manual and power wheelchairs and accessories, (B) adaptive seating and positioning items and accessories, and (C) other specialized equipment and accessories, such as standing frames and gait trainers.

(2) "Employee" means a person whose taxes are withheld by a qualified complex rehabilitation technology supplier and reported to

House Bill No. 5597

the Internal Revenue Service.

(3) "Healthcare Common Procedure Coding System" or "HCPCS" means the billing codes used by Medicare and overseen by the federal Centers for Medicare and Medicaid Services that are based on the current procedural technology codes developed by the American Medical Association.

(4) "Individually configured" means a device with a combination of sizes, features, adjustments or modifications that is customized by a qualified complex rehabilitation technology supplier for a specific individual by measuring, fitting, programming, adjusting or adapting the device so that the device is consistent with the individual's medical condition, physical and functional needs and capacities, body size, period of need and intended use as determined by an assessment or evaluation by a qualified health care professional.

(5) "Medically necessary" has the same meaning as provided in section 17b-259b of the general statutes.

(6) "Mixed HCPCS codes" means codes that refer to a mix of complex rehabilitation technology products and standard mobility and accessory products.

(7) "Pure HCPCS codes" means codes that refer exclusively to complex rehabilitation technology products and services.

(8) "Qualified complex rehabilitation technology professional" means an individual who is certified as an Assistive Technology Professional by the Rehabilitation Engineering and Assistive Technology Society of North America.

(9) "Qualified complex rehabilitation technology supplier" means a company or entity that:

House Bill No. 5597

(A) Is accredited by a recognized accrediting organization as a supplier of complex rehabilitation technology;

(B) Is an enrolled Medicare supplier and meets the supplier and quality standards established for durable medical equipment, including those for a complex rehabilitation technology supplier under the Medicare program;

(C) Has at least one employee who is a qualified complex rehabilitation technology professional for each service location to (i) analyze the needs and capacities of an eligible individual in consultation with a qualified health care professional, (ii) participate in the selection of appropriate covered complex rehabilitation technology for such needs and capacities, and (iii) provide technology-related training in the proper use of the complex rehabilitation technology;

(D) Requires a qualified complex rehabilitation technology professional be physically present for the evaluation and determination of appropriate complex rehabilitation technology for an eligible individual;

(E) Has the capability to provide service and repair by qualified technicians for all complex rehabilitation technology it sells; and

(F) Provides written information regarding how to receive service and repair of complex rehabilitation technology to the eligible individual at the time such technology is delivered.

(10) "Qualified health care professional" means a health care professional licensed by the state Department of Public Health who has no financial relationship with a qualified complex rehabilitation technology supplier. Qualified health care professional includes, but is not limited to, (A) a licensed physician, (B) a licensed physical therapist, (C) a licensed occupational therapist, or (D) other licensed health care professional who performs specialty evaluations within the

House Bill No. 5597

professional's scope of practice.

(b) The Commissioner of Social Services shall, not later than January 1, 2015, report to the joint standing committee of the General Assembly having cognizance of matters relating to human services on the impact of: (1) Designating products and services included in mixed and pure HCPCS billing codes as complex rehabilitation technology; (2) setting minimum standards consistent with subdivision (9) of subsection (a) of this section in order for suppliers to be considered qualified complex rehabilitation technology suppliers eligible for Medicaid reimbursement; (3) preserving the option for complex rehabilitation technology to be billed and paid for as a purchase allowing for single payments for devices with a length of need of one year or greater, excluding approved crossover claims for clients enrolled in Medicare and Medicaid; and (4) requiring eligible individuals receiving a complex rehabilitation manual wheelchair, power wheelchair or seating component to be evaluated by a qualified health care professional and a qualified complex rehabilitation technology professional to qualify for reimbursement.

Sec. 136. (NEW) (*Effective from passage*) The Commissioner of Social Services shall submit to the federal Centers for Medicare and Medicaid Services a Medicaid state plan amendment to increase the Medicaid rate for private psychiatric residential treatment facilities, provided that such rate increase is within available state appropriations. For purposes of this section, "private psychiatric residential treatment facility" means a nonhospital facility with an agreement with a state Medicaid agency to provide inpatient services to Medicaid-eligible individuals under the age of twenty-one.

Sec. 137. (*Effective from passage*) (a) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding shall convene a panel of experts in tax law, tax accounting, tax policy, economics and state,

House Bill No. 5597

local and business finance, who shall not be members of the General Assembly, to review the state's overall state and local tax structure. The panel shall consider and evaluate options to modernize tax policy, structure and administration with respect to (1) efficiency, (2) cost of administration, (3) equity, (4) reliability, (5) stability and volatility, (6) sufficiency, (7) simplicity, (8) incidence, (9) economic development and competitiveness, (10) employment, (11) affordability, and (12) overall public policy. All such options shall include consideration and evaluation of the impact and extent of such tax policy upon business and consumer decision-making. In addition, such panel shall also evaluate the feasibility of (A) creating a tiered property tax payment system that includes any property that is (i) state-owned, (ii) owned by an institution, facility or hospital and for which a payment in lieu of taxes has been made pursuant to section 12-20a of the general statutes, as amended by this act, or (iii) owned by a nonprofit entity, (B) assessing a community benefit fee upon any property that is not liable for the payment of property taxes, (C) taxing property owned by an institution, facility or hospital and for which a payment of taxes has been made pursuant to section 12-20a of the general statutes, and (D) requiring any such institution, facility or hospital to report the value of its real and personal property.

(b) (1) The members of the panel shall be appointed jointly by the Governor and the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding. The panel shall be comprised of up to fifteen members, and all such appointments shall be made not later than sixty days after the effective date of this section.

(2) The following persons or their designees shall be ex-officio, nonvoting members of the panel: (A) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding,

House Bill No. 5597

(B) the president pro tempore of the Senate, (C) the speaker of the House of Representatives, (D) the Secretary of the Office of Policy and Management, and (E) the Commissioner of Revenue Services.

(3) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding shall convene the first meeting of the panel not later than August 1, 2014. The voting members of the panel shall elect chairpersons at such meeting.

(c) The panel shall organize itself into four subcommittees as follows: (1) Personal income taxes, including estate and gift taxes; (2) business taxes, including excise taxes; (3) consumer taxes; and (4) property taxes. Additional experts may, with the approval of the chairpersons of the panel, be invited to participate, without vote, on such subcommittees.

(d) Not later than January 1, 2015, the panel shall report, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding, on the results of its considerations and evaluations, and submit any findings and recommendations for further action. Such recommendations may include an extension of time for the work of the panel, except in no event shall the panel continue beyond January 1, 2016.

Sec. 138. Section 4-28e of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) There is created a Tobacco Settlement Fund which shall be a separate nonlapsing fund. Any funds received by the state from the Master Settlement Agreement executed November 23, 1998, shall be

House Bill No. 5597

deposited into the fund.

(b) (1) The Treasurer is authorized to invest all or any part of the Tobacco Settlement Fund, all or any part of the Tobacco and Health Trust Fund created in section 4-28f and all or any part of the Biomedical Research Trust Fund created in section 19a-32c. The interest derived from any such investment shall be credited to the resources of the fund from which the investment was made.

(2) Notwithstanding sections 3-13 to 3-13h, inclusive, the Treasurer shall invest the amounts on deposit in the Tobacco Settlement Fund, the Tobacco and Health Trust Fund and the Biomedical Research Trust Fund in a manner reasonable and appropriate to achieve the objectives of such funds, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The Treasurer shall give due consideration to rate of return, risk, term or maturity, diversification of the total portfolio within such funds, liquidity, the projected disbursements and expenditures, and the expected payments, deposits, contributions and gifts to be received. The Treasurer shall not be required to invest such funds directly in obligations of the state or any political subdivision of the state or in any investment or other fund administered by the Treasurer. The assets of such funds shall be continuously invested and reinvested in a manner consistent with the objectives of such funds until disbursed in accordance with this section, section 4-28f or section 19a-32c.

(c) (1) For the fiscal year ending June 30, 2001, disbursements from the Tobacco Settlement Fund shall be made as follows: (A) To the General Fund in the amount identified as "Transfer from Tobacco Settlement Fund" in the General Fund revenue schedule adopted by the General Assembly; (B) to the Department of Mental Health and Addiction Services for a grant to the regional action councils in the amount of five hundred thousand dollars; and (C) to the Tobacco and Health Trust Fund in an amount equal to nineteen million five

House Bill No. 5597

hundred thousand dollars.

(2) For the fiscal year ending June 30, 2002, and each fiscal year thereafter, disbursements from the Tobacco Settlement Fund shall be made as follows: (A) To the Tobacco and Health Trust Fund in an amount equal to twelve million dollars, except in the fiscal years ending June 30, 2014, and June 30, 2015, said disbursement shall be in an amount equal to six million dollars; (B) to the Biomedical Research Trust Fund in an amount equal to four million dollars; (C) to the General Fund in the amount identified as "Transfer from Tobacco Settlement Fund" in the General Fund revenue schedule adopted by the General Assembly; and (D) any remainder to the Tobacco and Health Trust Fund.

(3) For each of the fiscal years ending June 30, 2008, to June 30, 2012, inclusive, the sum of ten million dollars shall be disbursed from the Tobacco Settlement Fund to the Stem Cell Research Fund established by section 19a-32e for grants-in-aid to eligible institutions for the purpose of conducting embryonic or human adult stem cell research.

(4) For each of the fiscal years ending June 30, 2016, to June 30, 2025, inclusive, the sum of ten million dollars shall be disbursed from the Tobacco Settlement Fund to the smart start competitive grant account established by section 24 of public act 14-98 for grants-in-aid to towns for the purpose of establishing or expanding a preschool program under the jurisdiction of the board of education for the town.

(d) For the fiscal year ending June 30, 2000, five million dollars shall be disbursed from the Tobacco Settlement Fund to a tobacco grant account to be established in the Office of Policy and Management. Such funds shall not lapse on June 30, 2000, and shall continue to be available for expenditure during the fiscal year ending June 30, 2001.

(e) Tobacco grants shall be made from the account established

House Bill No. 5597

pursuant to subsection (d) of this section by the Secretary of the Office of Policy and Management in consultation with the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, the minority leader of the Senate, and the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to public health and appropriations and the budgets of state agencies, or their designees. Such grants shall be used to reduce tobacco abuse through prevention, education, cessation, treatment, enforcement and health needs programs.

(f) For the fiscal year ending June 30, 2005, and each fiscal year thereafter, the sum of one hundred thousand dollars is appropriated to the Department of Revenue Services and the sum of twenty-five thousand dollars is appropriated to the office of the Attorney General for the enforcement of the provisions of sections 4-28h to 4-28q, inclusive.

Sec. 139. Section 10-416 of the 2014 supplement to the general statutes, as amended by section 1 of public act 13-266, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) As used in this section, the following terms shall have the following meanings unless the context clearly indicates another meaning:

(1) "Department" means the Department of Economic and Community Development;

(2) "Historic home" means a building that: (A) Will contain one-to-four dwelling units of which at least one unit will be occupied as the principal residence of the owner for not less than five years following

House Bill No. 5597

the completion of rehabilitation work, and (B) is (i) listed individually on the National or State Register of Historic Places, or (ii) located in a district listed on the National or State Register of Historic Places, and has been certified by the department as contributing to the historic character of such district;

(3) "Nonprofit corporation" means a nonprofit corporation incorporated pursuant to chapter 602 or any predecessor statutes thereto, having as one of its purposes the construction, rehabilitation, ownership or operation of housing and having articles of incorporation approved by the Commissioner of Economic and Community Development in accordance with regulations adopted pursuant to section 8-79a or 8-84;

(4) "Owner" means (A) any taxpayer filing a state of Connecticut tax return who possesses title to an historic home, or prospective title to an historic home in the form of a purchase agreement or option to purchase, or (B) a nonprofit corporation that possesses such title or prospective title;

(5) "Qualified rehabilitation expenditures" means any costs incurred for the physical construction involved in the rehabilitation of an historic home, but excludes: (A) The owner's personal labor, (B) the cost of site improvements, unless to provide building access to persons with disabilities, (C) the cost of a new addition, except as may be required to comply with any provision of the State Building Code or the Fire Safety Code, (D) any cost associated with the rehabilitation of an outbuilding, unless such building contributes to the historical significance of the historic home, and (E) any nonconstruction cost such as architectural fees, legal fees and financing fees;

(6) "Rehabilitation plan" means any construction plans and specifications for the proposed rehabilitation of an historic home in sufficient detail to enable the department to evaluate compliance with

House Bill No. 5597

the standards developed under the provisions of subsections (b), (c) and (m) of this section; and

(7) "Occupancy period" means a period of five years during which one or more owners occupy an historic home as such owner's or owners' primary residence. The occupancy period begins on the date the tax credit voucher is issued by the Department of Economic and Community Development.

(b) The Department of Economic and Community Development shall administer a system of tax credit vouchers within the resources, requirements and purposes of this section for owners rehabilitating historic homes or taxpayers making contributions to qualified rehabilitation expenditures. For income years commencing on or after January 1, 2000, any owner shall be eligible for a tax credit voucher in an amount equal to thirty per cent of the qualified rehabilitation expenditures.

(c) The department shall develop standards for the approval of rehabilitation of historic homes for which a tax credit voucher is sought. Such standards shall take into account whether the rehabilitation of an historic home will preserve the historic character of the building.

(d) Prior to beginning any rehabilitation work on an historic home, the owner shall submit a rehabilitation plan to the department for a determination of whether such rehabilitation work meets the standards developed under the provisions of subsections (b), (c) and (m) of this section and shall also submit to the department an estimate of the qualified rehabilitation expenditures.

(e) If the department certifies that the rehabilitation plan conforms to the standards developed under the provisions of subsections (b), (c) and (m) of this section, the department shall reserve for the benefit of

House Bill No. 5597

the owner an allocation for a tax credit equivalent to thirty per cent of the projected qualified rehabilitation expenditures.

(f) Following the completion of rehabilitation of an historic home, the owner shall notify the department that such rehabilitation has been completed. The owner shall provide the department with documentation of work performed on the historic home and shall certify the cost incurred in rehabilitating the home. The department shall review such rehabilitation and verify its compliance with the rehabilitation plan. Following such verification, the department shall issue a tax credit voucher to either the owner rehabilitating the historic home or to the taxpayer named by the owner as contributing to the rehabilitation. The tax credit voucher shall be in an amount equivalent to the lesser of (1) the tax credit reserved upon certification of the rehabilitation plan under the provisions of subsection (e) of this section, or (2) thirty per cent of the actual qualified rehabilitation expenditures. In order to obtain a credit against any state tax due that is specified in subsections (i) to (l), inclusive, of this section, the holder of the tax credit voucher shall file the voucher with the holder's state tax return.

(g) Before the department issues a tax credit voucher, the owner shall deliver a signed statement to the department which provides that: (1) The owner shall occupy the historic home as the owner's primary residence during the occupancy period, or (2) the owner shall convey the historic home to a new owner who will occupy it as the new owner's primary residence during the occupancy period, or (3) an encumbrance shall be recorded, in favor of the local, state or federal government or other funding source, that will require the owner or the owner's successors to occupy the historic home as the primary residence of the owner or the owner's successors for a period equal to or longer than the occupancy period. A copy of any such encumbrance shall be attached to the signed statement.

House Bill No. 5597

(h) The owner of an historic home shall not be eligible for a tax credit voucher under subsections (b), (c) and (m) of this section, unless the owner incurs qualified rehabilitation expenditures exceeding fifteen thousand dollars.

(i) The Commissioner of Revenue Services shall grant a tax credit to a taxpayer holding the tax credit voucher issued under subsections (d) to (h), inclusive, of this section against any tax due under chapter 207, 208, 209, 210, 211 or 212 in the amount specified in the tax credit voucher. The Department of Economic and Community Development shall provide a copy of the voucher to the Commissioner of Revenue Services upon the request of said commissioner.

(j) A credit allowed under this section shall not exceed thirty thousand dollars per dwelling unit for an historic home, except that such credit shall not exceed fifty thousand dollars per such dwelling unit for an owner that is a nonprofit corporation.

(k) The tax credit granted under subsection (i) of this section shall be taken in the same tax year in which the tax credit voucher is issued. Any unused portion of such credit may be carried forward to any or all of the four income years following the year in which the tax credit voucher is issued.

(l) The aggregate amount of all tax credits which may be reserved by the Department of Economic and Community Development upon certification of rehabilitation plans under subsections (b) to (d), inclusive, of this section shall not exceed three million dollars in any one fiscal year. On and after the effective date of this section, seventy per cent of the tax credits reserved pursuant to this section shall be for owners rehabilitating historic homes that are located in a regional center as designated in the state plan of conservation and development adopted by the General Assembly pursuant to section 16a-30 or taxpayers making contributions to qualified rehabilitation

House Bill No. 5597

expenditures on historic homes that are located in a regional center as designated in the state plan of conservation and development adopted by the General Assembly pursuant to section 16a-30.

(m) The Department of Economic and Community Development may, in consultation with the Commissioner of Revenue Services, adopt regulations in accordance with chapter 54 to carry out the purposes of this section.

Sec. 140. (NEW) (*Effective October 1, 2014*) Sections 140 to 154, inclusive, of this act shall be known and may be cited as the "Connecticut Benefit Corporation Act".

Sec. 141. (NEW) (*Effective October 1, 2014*) As used in this section and sections 142 to 154, inclusive, of this act:

(1) "Benefit corporation" means a business corporation (A) that has elected to become subject to the provisions of sections 142 to 154, inclusive, of this act, and (B) whose status as a benefit corporation has not been terminated pursuant to section 146 of this act.

(2) "Benefit director" means either (A) the director designated as the benefit director of a benefit corporation pursuant to section 149 of this act, or (B) a person with one or more of the powers, duties or rights of a benefit director under section 149 of this act to the extent that such person has been granted all or part of the authority to manage the business and affairs of the corporation by a shareholder agreement that complies with section 33-717 of the general statutes.

(3) "Benefit enforcement proceeding" means any claim or action for (A) the failure of a benefit corporation to pursue or create a general public benefit or any specific public benefit purpose set forth in its certificate of incorporation, or (B) the violation of any obligation, duty or standard of conduct under sections 142 to 154, inclusive, of this act.

House Bill No. 5597

(4) "Benefit officer" means the individual designated as the benefit officer of a benefit corporation pursuant to section 151 of this act.

(5) "Business corporation" means a corporation whose internal affairs are governed by chapter 601 of the general statutes.

(6) "Charitable organization" means any organization that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and that the United States Treasury Department has expressly determined, by letter, to be an organization that is described in Section 501(c)(3) of said Internal Revenue Code.

(7) "General public benefit" means a material positive impact on both society and the environment, taken as a whole, as assessed against a third-party standard, from the business and operations of a benefit corporation.

(8) "Independent" means having no material relationship with a benefit corporation or a subsidiary of the benefit corporation, provided a person who serves as a benefit director or benefit officer does not lack independence solely by serving in such capacity.

(9) "Legacy preservation provision" means a provision in the certificate of incorporation adopted in accordance with section 145 of this act.

(10) "Material relationship" means a relationship between a person and a benefit corporation or any of its subsidiaries if any of the following apply: (A) The person is, or has been within the last three years, an employee other than a benefit officer of the benefit corporation or a subsidiary; (B) an immediate family member of the person is, or has been within the last three years, an executive officer other than a benefit officer of the benefit corporation or a subsidiary; or

House Bill No. 5597

(C) there is beneficial or record ownership of five per cent or more of the outstanding shares of the benefit corporation, calculated on the assumption that all outstanding rights to acquire shares in the benefit corporation had been exercised, by (i) the person, or (ii) an entity (I) of which the person is a director, an officer or a manager; or (II) in which the person owns beneficially or of record five per cent or more of the outstanding equity interests, calculated on the assumption that all outstanding rights to acquire equity interests in the entity had been exercised.

(11) "Minimum status vote" means (A) in the case of a business corporation, in addition to any other required approval or vote, the satisfaction of the following conditions: (i) The shareholders of every class or series shall be entitled to vote as a separate voting group on the corporate action regardless of a limitation stated in the certificate of incorporation or bylaws on the voting rights of any class or series; and (ii) the corporate action is approved by the vote of shareholders of each class or series entitled to cast at least two-thirds of the votes that shareholders of the class or series are entitled to cast on the action; and (B) in the case of a domestic entity other than a business corporation, in addition to any other required approval, vote or consent, the satisfaction of the following conditions: (i) The holders of each class or series of equity interest in the entity that are entitled to receive a distribution of any kind from the entity shall be entitled to vote on or consent to the action regardless of any otherwise applicable limitation on the voting or consent rights of any such class or series; and (ii) the action is approved by the vote or written consent of the holders described in subparagraph (B)(i) of this subdivision entitled to cast at least two-thirds of the votes that all of those holders are entitled to cast on the action.

(12) "Publicly traded corporation" means a business corporation that has shares listed on a national securities exchange or traded in a

House Bill No. 5597

market maintained by one or more members of a national securities association.

(13) "Specific public benefit" includes: (A) Providing low-income or underserved individuals or communities with beneficial products or services; (B) promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business; (C) protecting or restoring the environment; (D) improving human health; (E) promoting the arts, sciences or advancement of knowledge; (F) increasing the flow of capital to other benefit corporations or similar entities whose purpose is to benefit society or the environment; and (G) conferring any other particular benefit on society or the environment.

(14) "Subsidiary" means, in relation to a person, an entity in which the person owns beneficially or of record fifty per cent or more of the outstanding equity interests.

(15) "Third-party standard" means a recognized standard for defining, reporting and assessing corporate social and environmental performance that: (A) Assesses the effect of its business and operations upon the interests listed in subparagraphs (B), (C), (D) and (E) of subdivision (1) of subsection (a) of section 148 of this act; (B) is developed by an entity that is independent; and (C) makes publicly available the following information about the development and revision of the standard: (i) The identity of the directors, officers, material owners, and the governing body of the entity that developed and controls revisions to the standard; (ii) the process by which revisions to the standard and changes to the membership of the governing body are made; and (iii) an accounting of the revenue and sources of financial support for such entity, with sufficient detail to disclose any relationships that could reasonably be considered to present a potential conflict of interest.

House Bill No. 5597

Sec. 142. (NEW) (*Effective October 1, 2014*) (a) The provisions of this section and sections 143 to 154, inclusive, of this act shall be applicable to all benefit corporations.

(b) The provisions of this section and sections 143 to 154, inclusive, of this act shall not create an implication that a contrary or different rule of law is applicable to a business corporation that is not a benefit corporation. The provisions of this section and sections 143 to 154, inclusive, of this act shall not affect a statute or rule of law that is applicable to a business corporation that is not a benefit corporation.

(c) Except as otherwise provided in this section and sections 143 to 154, inclusive, of this act, the provisions of chapter 601 of the general statutes shall be generally applicable to all benefit corporations. The specific provisions of this section and sections 143 to 154, inclusive, of this act shall control over the general provisions of chapter 601 of the general statutes.

(d) A provision of the certificate of incorporation or bylaws of a benefit corporation may not limit, be inconsistent with, or supersede a provision of this section or sections 143 to 154, inclusive, of this act.

(e) Nothing in this section or sections 143 to 154, inclusive, of this act shall (1) be construed as creating or granting to any person any contractual right to, or proprietary interest in, the income or assets of a benefit corporation by virtue of the fact that he or she may directly or indirectly benefit from the general public benefit or any specific public benefit of a benefit corporation, (2) be construed as imposing or creating a charitable use, interest or restriction on any property or assets of a benefit corporation, or (3) deprive the Attorney General of jurisdiction over a benefit corporation under any other applicable law.

Sec. 143. (NEW) (*Effective October 1, 2014*) A benefit corporation shall be incorporated in accordance with the provisions of chapter 601 of the

House Bill No. 5597

general statutes by filing a certificate of incorporation with the office of the Secretary of the State that states that the corporation is a benefit corporation.

Sec. 144. (NEW) (*Effective October 1, 2014*) (a) A business corporation that is not a benefit corporation may elect to become a benefit corporation by amending its certificate of incorporation to contain, in addition to matters required by section 33-636 of the general statutes, a statement that the corporation is a benefit corporation. Any such amendment to the certificate of incorporation shall be approved by a minimum status vote.

(b) If an entity that is not a benefit corporation is a party to (1) a merger in which (A) the surviving entity will be a benefit corporation, or (B) shares or other equity interests in such entity will be converted into a right to receive shares of a benefit corporation, or (2) a share exchange with a benefit corporation in which the shares or other equity interests of the entity will be exchanged for shares of a benefit corporation, the plan of merger or share exchange shall be approved by a minimum status vote. If an entity other than a business corporation is a party to any such transaction and a minimum status vote by the equity owners of such entity is required for approval of the transaction, the equity owners of such entity shall be entitled to appraisal rights under the procedures set forth in chapter 601 of the general statutes as if the entity were a business corporation.

Sec. 145. (NEW) (*Effective October 1, 2014*) (a) A benefit corporation may, not earlier than twenty-four months after the date that it became a benefit corporation, adopt a legacy preservation provision by amending its certificate of incorporation to contain a statement that the corporation is subject to a legacy preservation provision. Any such amendment shall be adopted in accordance with the procedures set forth in chapter 601 of the general statutes and shall be approved by the unanimous vote or written consent of the shareholders of every

House Bill No. 5597

class or series, regardless of any limitation stated in the certificate of incorporation or bylaws on the voting rights of any such class or series.

(b) A dissolved benefit corporation that has adopted a legacy preservation provision shall distribute its remaining property only to one or more (1) charitable organizations, or (2) other benefit corporations that have adopted a legacy preservation provision.

Sec. 146. (NEW) (*Effective October 1, 2014*) (a) Except for a benefit corporation that adopts a legacy preservation provision, a benefit corporation may terminate its status as such and cease to be subject to the provisions of sections 142 to 154, inclusive, of this act by amending its certificate of incorporation to delete any provision stating that such corporation is a benefit corporation. Any such amendment shall be approved by a minimum status vote.

(b) Except for a benefit corporation that adopts a legacy preservation provision, if a benefit corporation is a party to (1) a merger in which (A) the surviving entity will not be a benefit corporation, or (B) shares of such benefit corporation will be converted into a right to receive shares or other equity interests of an entity that is not a benefit corporation, or (2) a share exchange in which the shares of the benefit corporation will be exchanged for shares or other equity interests of an entity that is not a benefit corporation, the plan of merger or share exchange shall be approved by a minimum status vote.

(c) A benefit corporation that adopts a legacy preservation provision may only be a party to (1) a merger in which (A) the surviving entity will be a benefit corporation that has adopted a legacy preservation provision, or (B) shares of such benefit corporation will be converted into a right to receive shares of a benefit corporation that has adopted a legacy preservation provision, or (2) a share exchange in which the shares of the benefit corporation will be exchanged for shares of a

House Bill No. 5597

benefit corporation that has adopted a legacy preservation provision, and such merger or share exchange is approved by a minimum status vote.

(d) Except for a benefit corporation that adopts a legacy preservation provision, any sale, lease, exchange or other disposition of assets of a benefit corporation, other than a disposition described in section 33-830 of the general statutes, that would leave the benefit corporation without a significant continuing business activity shall be approved by a minimum status vote. A benefit corporation that adopts a legacy preservation provision shall not enter into a sale, lease, exchange or other disposition of its assets, other than a disposition described in section 33-830 of the general statutes, unless the disposition is to one or more (1) charitable organizations, or (2) other benefit corporations that have adopted legacy preservation provisions, and such disposition is approved by a minimum status vote.

Sec. 147. (NEW) (*Effective October 1, 2014*) (a) A benefit corporation shall have a purpose of creating a general public benefit. Such purpose shall be in addition to any purpose under chapter 601 of the general statutes.

(b) The certificate of incorporation of a benefit corporation may identify one or more specific public benefits as a purpose for such benefit corporation to create in addition to any purpose under chapter 601 of the general statutes and subsection (a) of this section. The identification of a specific public benefit under this subsection shall not limit the obligation of a benefit corporation under subsection (a) of this section.

(c) The creation of a general public benefit and any specific public benefit under subsections (a) and (b) of this section is in the best interests of the benefit corporation.

House Bill No. 5597

(d) A benefit corporation may amend its certificate of incorporation to add, amend or delete the identification of a specific public benefit that it is the purpose of the benefit corporation to create. Any such amendment shall be adopted by a minimum status vote.

Sec. 148. (NEW) (*Effective October 1, 2014*) (a) In discharging the duties of their respective positions and considering the best interests of the benefit corporation, the board of directors, any committee of the board and the individual directors of the benefit corporation:

(1) Shall consider the effects of any corporate action or inaction upon:

(A) The shareholders of the benefit corporation;

(B) The employees and workforce of the benefit corporation, its subsidiaries and its suppliers;

(C) The interests of the customers of the benefit corporation as beneficiaries of the general public benefit purpose and any specific public benefit purpose of the benefit corporation;

(D) Community and societal factors, including those of each community in which offices or facilities of the benefit corporation, its subsidiaries or its suppliers are located;

(E) The local and global environment;

(F) The short-term and long-term interests of the benefit corporation, including benefits that may accrue to the benefit corporation from such corporation's long-term plans and the possibility that such interests may be best served by the continued independence of the benefit corporation; and

(G) The ability of the benefit corporation to accomplish its general public benefit purpose and any specific public benefit purpose;

House Bill No. 5597

(2) May consider (A) in the circumstances described in subsection (d) of section 33-756 of the general statutes, the interests referred to in said subsection, and (B) other pertinent factors or the interests of any other group that the board of directors, any committee of the board and the directors of the benefit corporation deem appropriate; and

(3) Need not give priority to the interests of a particular person or group referred to in subdivision (1) or (2) of this subsection over the interests of any other person or group unless the certificate of incorporation for such benefit corporation states an intention to give priority to certain interests related to the accomplishment of the corporation's general public benefit purpose or of a specific public benefit purpose identified in the corporation's certificate of incorporation.

(b) The consideration of interests and factors in the manner required by subsection (a) of this section (1) shall not constitute a violation of section 33-756 of the general statutes, and (2) is in addition to the power of directors to consider the interests and factors listed in subsection (d) of section 33-756 of the general statutes in the circumstances described in said subsection.

(c) A director shall not be personally liable for (1) any act or omission in the course of performing the duties of a director under subsection (a) of this section if the director performed the duties of the position in compliance with section 33-756 of the general statutes and this section, or (2) failure of the benefit corporation to pursue or create a general public benefit or any specific public benefit.

(d) A director shall not have a duty to a person who is a beneficiary of the general public benefit purpose or a specific public benefit purpose of a benefit corporation based on the status of such person as a beneficiary.

House Bill No. 5597

Sec. 149. (NEW) (*Effective October 1, 2014*) (a) The board of directors of a benefit corporation that is a publicly traded corporation shall, and the board of any other benefit corporation may, include a director who shall (1) be designated the benefit director, and (2) have, in addition to the powers, duties, rights and immunities of the other directors of the benefit corporation, the powers, duties, rights and immunities provided in sections 142 to 154, inclusive, of this act.

(b) The benefit director shall be elected, and may be removed, in the manner provided under chapter 601 of the general statutes. The benefit director shall be an individual who is independent. The benefit director may serve as the benefit officer at the same time as serving as the benefit director. The certificate of incorporation or bylaws or a shareholder agreement of a benefit corporation may prescribe additional qualifications of the benefit director that are consistent with this subsection.

(c) The benefit director shall prepare, and the benefit corporation shall include in the annual benefit report to its shareholders required by section 153 of this act, the opinion of the benefit director on each of the following: (1) Whether the benefit corporation acted in accordance with its general public benefit purpose and any specific public benefit purpose in all material respects during the period covered by the report, (2) whether the directors and officers complied with subsection (a) of section 148 of this act and subsection (a) of section 150 of this act, respectively, and (3) if, in the opinion of the benefit director, the benefit corporation or its directors or officers failed to comply with subsection (a) of section 148 of this act or subsection (a) of section 150 of this act, a description of the ways in which the benefit corporation or the corporation's directors or officers failed to comply.

(d) The act or omission of an individual in the capacity of a benefit director shall constitute for all purposes an act or omission of that individual in the capacity of a director of the benefit corporation.

House Bill No. 5597

(e) Regardless of whether the certificate of incorporation of a benefit corporation includes a provision limiting the personal liability of directors, as authorized by chapter 601 of the general statutes, a benefit director shall not be personally liable for any act or omission in the capacity of a benefit director unless the act or omission constitutes self-dealing, wilful misconduct or a knowing violation of law.

Sec. 150. (NEW) (*Effective October 1, 2014*) (a) Each officer of a benefit corporation shall consider the interests and factors described in subsection (a) of section 148 of this act in the manner provided in that subsection if (1) the officer has discretion to act with respect to a matter, and (2) it reasonably appears to the officer that the matter may have a material effect on the creation by the benefit corporation of a general public benefit or any specific public benefit identified in the certificate of incorporation of the benefit corporation.

(b) The consideration of interests and factors in the manner described in subsection (a) of this section shall not constitute a violation of section 33-765 of the general statutes.

(c) An officer shall not be personally liable for (1) an act or omission as an officer in the course of performing the duties of an officer under subsection (a) of this section if the officer performed the duties of the position in compliance with section 33-765 of the general statutes and this section, or (2) the failure of the benefit corporation to pursue or create a general public benefit or any specific public benefit.

(d) An officer shall not have a duty to a person that is a beneficiary of the general public benefit purpose or any specific public benefit purpose of a benefit corporation based on the status of such person as a beneficiary.

Sec. 151. (NEW) (*Effective October 1, 2014*) A benefit corporation may designate a benefit officer. A benefit officer shall have (1) the powers

House Bill No. 5597

and duties relating to the purpose of the corporation to create a general public benefit or any specific public benefit provided (A) by the bylaws, or (B) absent controlling provisions in the bylaws, by resolutions or orders of the board of directors, and (2) the duty to prepare the benefit report required by section 153 of this act.

Sec. 152. (NEW) (*Effective October 1, 2014*) (a) Except in a benefit enforcement proceeding, no person may bring an action or assert a claim against a benefit corporation or its directors or officers with respect to (1) the failure to pursue or create a general public benefit or any specific public benefit identified in its certificate of incorporation, or (2) the violation of an obligation, duty or standard of conduct under sections 142 to 154, inclusive, of this act.

(b) A benefit corporation shall not be liable for monetary damages under sections 142 to 154, inclusive, of this act for any failure of the benefit corporation to pursue or create a general public benefit or any specific public benefit.

(c) A benefit enforcement proceeding may be commenced or maintained only (1) directly by the benefit corporation, or (2) derivatively in accordance with the provisions of chapter 601 of the general statutes by (A) a person or group of persons that owns beneficially or of record not less than five per cent of the total number of shares of a class or series outstanding at the time of the act or omission complained of, (B) a person or group of persons that owns beneficially or of record ten per cent or more of the outstanding equity interests in an entity of which the benefit corporation is a majority-owned subsidiary at the time of the act or omission complained of, or (C) other persons as specified in the certificate of incorporation or bylaws of the benefit corporation.

(d) For purposes of this section, a person is the beneficial owner of shares or equity interests if the shares or equity interests are held in a

House Bill No. 5597

voting trust or by a nominee on behalf of the beneficial owner.

Sec. 153. (NEW) (*Effective October 1, 2014*) (a) A benefit corporation shall select a third-party standard by which to assess such corporation's pursuit of a general public benefit and any specific public benefit. Selecting or changing a third-party standard shall require approval by (1) the greater of (A) a majority of all the directors in office when the action is taken, or (B) the number of directors required by the certificate of incorporation or bylaws of the benefit corporation to take action under this section, or (2) the vote or written consent of the shareholders required by the certificate of incorporation or bylaws of the benefit corporation to take action under this section.

(b) A benefit corporation shall prepare an annual benefit report that includes each of the following:

(1) A narrative description of (A) the ways in which the benefit corporation pursued a general public benefit during the year and the extent to which a general public benefit was created; (B) both (i) the ways in which the benefit corporation pursued any specific public benefit identified in the benefit corporation's certificate of incorporation, and (ii) the extent to which such specific public benefit was created; (C) any circumstances that have hindered the creation by the benefit corporation of a general public benefit or any specific public benefit; and (D) the process and rationale for selecting or changing the third-party standard used to prepare the benefit report;

(2) An assessment of the overall social and environmental performance of the benefit corporation against a third-party standard (A) applied consistently with any application of that standard in prior benefit reports, or (B) accompanied by an explanation of the reasons for any inconsistent application or the change to that standard from the standard used in the most recent prior report;

House Bill No. 5597

(3) The name of the benefit director and the benefit officer, if any, and the address to which correspondence to the benefit director or the benefit officer may be directed;

(4) The compensation paid by the benefit corporation during the year to each director in his or her capacity as a director;

(5) The opinion of the benefit director described in subsection (c) of section 149 of this act; and

(6) A statement of any connection between the organization that established the third-party standard, its directors or officers or any holder of five per cent or more of the voting power or capital interests in the organization, and the benefit corporation, its directors or officers or any holder of five per cent or more of the outstanding shares of the benefit corporation, including any financial or governance relationship that might materially affect the credibility of the use of the third-party standard.

(c) If, during the year covered by a benefit report, a benefit director or benefit officer resigned from or refused to stand for reelection to the position of benefit director or benefit officer, or was removed from the position of benefit director or benefit officer, and the benefit director or benefit officer furnished the benefit corporation with a written statement or correspondence concerning the circumstances surrounding the resignation, refusal or removal, the benefit report shall include that statement or correspondence as an exhibit.

(d) Neither the benefit report nor the assessment of the performance of the benefit corporation in the benefit report required by subdivision (2) of subsection (b) of this section shall be required to be audited or certified by the third-party standards provider.

Sec. 154. (NEW) (*Effective October 1, 2014*) (a) A benefit corporation shall send its annual benefit report to each shareholder (1) not later

House Bill No. 5597

than one hundred twenty days following the end of the fiscal year of the benefit corporation, or (2) at the same time that the benefit corporation delivers any other annual report to its shareholders, whichever is earlier.

(b) A benefit corporation shall post and maintain each annual benefit report on the public portion of its Internet web site, if any, except that the compensation paid to directors and any financial, confidential or proprietary information included in any benefit report may be omitted from the benefit report as posted.

(c) If a benefit corporation does not have an Internet web site, the benefit corporation shall provide a copy of such corporation's most recent benefit report, without charge, to any person who requests a copy, but the compensation paid to directors and any financial, confidential or proprietary information included in any benefit report may be omitted from such copy.

Sec. 155. Section 33-856 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) A shareholder is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder's shares, in the event of any of the following corporate actions:

(1) Consummation of a merger to which the corporation is a party (A) if shareholder approval is required for the merger by section 33-817 and the shareholder is entitled to vote on the merger, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger, or (B) if the corporation is a subsidiary and the merger is governed by section 33-818;

(2) Consummation of a share exchange to which the corporation is a

House Bill No. 5597

party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;

(3) Consummation of a disposition of assets pursuant to section 33-831 if the shareholder is entitled to vote on the disposition, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series if (A) under the terms of the corporate action approved by the shareholders there is to be distributed to shareholders in cash its net assets, in excess of a reasonable amount reserved to meet claims of the type described in sections 33-886 and 33-887, (i) within one year after the shareholders' approval of the action, and (ii) in accordance with their respective interests determined at the time of such distribution, and (B) the disposition of assets is not an interested transaction;

(4) An amendment of the certificate of incorporation with respect to a class or series of shares that reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created; [or]

(5) If the corporation is not a benefit corporation, as defined in section 141 of this act, (A) an amendment of the certificate of incorporation to state that the corporation is a benefit corporation; (B) consummation of a merger to which the corporation is a party in which the surviving entity will be a benefit corporation or in which shares in the corporation will be converted into a right to receive shares of a benefit corporation; or (C) consummation of a share exchange to which the corporation is a party and the shares of the corporation will be exchanged for shares of a benefit corporation; or

House Bill No. 5597

~~[(5)]~~ (6) Any other merger, share exchange, disposition of assets or amendment to the certificate of incorporation to the extent provided by the certificate of incorporation, the bylaws or a resolution of the board of directors.

(b) Notwithstanding subsection (a) of this section, the availability of appraisal rights under subdivisions (1) ~~[, (2), (3) and (4)]~~ to (5), inclusive, of subsection (a) of this section shall be limited in accordance with the following provisions:

(1) Appraisal rights shall not be available for the holders of shares of any class or series of shares which is:

(A) A covered security under Section 18(b)(1)(A) or (B) of the Securities Act of 1933, as amended;

(B) Traded in an organized market and has at least two thousand shareholders and a market value of at least twenty million dollars, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial shareholders owning more than ten per cent of such shares; or

(C) Issued by an open-end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and may be redeemed at the option of the holder at net asset value.

(2) The applicability of subdivision (1) of this subsection shall be determined as of: (A) The record date fixed to determine the shareholders entitled to receive notice of the meeting of shareholders to act upon the corporate action requiring appraisal rights; or (B) the day before the effective date of such corporate action if there is no meeting of shareholders.

(3) Subdivision (1) of this subsection shall not be applicable and

House Bill No. 5597

appraisal rights shall be available pursuant to subsection (a) of this section for the holders of any class or series of shares (A) who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in subdivision (1) of this subsection at the time the corporate action becomes effective, or (B) in the case of the consummation of a disposition of assets pursuant to section 33-831, unless such cash, shares or proprietary interests are, under the terms of the corporate action approved by the shareholders, to be distributed to the shareholders, as part of a distribution to shareholders of the net assets of the corporation in excess of a reasonable amount to meet claims of the type described in sections 33-886 and 33-887, (i) not later than one year after the shareholders' approval of the action, and (ii) in accordance with their respective interests determined at the time of the distribution.

(4) Subdivision (1) of this subsection shall not be applicable and appraisal rights shall be available pursuant to subsection (a) of this section for the holders of any class or series of shares where the corporate action is an interested transaction.

(c) Notwithstanding any other provision of this section, the certificate of incorporation as originally filed or any amendment thereto may limit or eliminate appraisal rights for any class or series of preferred shares, but any such limitation or elimination contained in an amendment to the certificate of incorporation that limits or eliminates appraisal rights for any of such shares that are outstanding immediately prior to the effective date of such amendment or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange or other right existing immediately before the effective date of such amendment shall not apply to any corporate

House Bill No. 5597

action that becomes effective within one year of that date if such action would otherwise afford appraisal rights.

(d) Where the right to be paid the value of shares is made available to a shareholder by this section, such remedy shall be the exclusive remedy as holder of such shares against the corporate actions described in this section, whether or not the shareholder proceeds as provided in sections 33-855 to 33-872, inclusive.

Sec. 156. Section 33-756 of the general statutes is amended by adding subsection (f) as follows (*Effective October 1, 2014*):

(NEW) (f) A director is not liable under this section for any act or omission in the course of performing the duties of a director under subsection (a) of section 148 of this act if the director performed such duties in compliance with this section and section 148 of this act.

Sec. 157. Section 33-765 of the general statutes is amended by adding subsection (e) as follows (*Effective October 1, 2014*):

(NEW) (e) An officer is not liable under this section for any act or omission in the course of performing the duties of an officer under subsection (a) of section 150 of this act if the officer performed such duties in compliance with this section and section 150 of this act.

Sec. 158. Section 20-13j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) For the purposes of this section:

(1) "Department" means the Department of Public Health; [and]

(2) ["Health care provider" means: (A) A physician licensed under this chapter; (B) a] "Other health care provider" means: (A) A dentist licensed under chapter 379; [(C)] (B) a chiropractor licensed under chapter 372; [(D)] (C) an optometrist licensed under chapter 380; [(E)]

House Bill No. 5597

~~(D)~~ a podiatrist licensed under chapter 375; ~~[(F)]~~ (E) a natureopath licensed under chapter 373; ~~[(G)]~~ (F) a dental hygienist licensed under chapter 379a; ~~[(H)]~~ an advanced practice registered nurse licensed under chapter 378; or ~~(I)]~~ or (G) a physical therapist licensed under chapter 376;

(3) "Advanced practice registered nurse" means an advanced practice registered nurse licensed under chapter 378; and

(4) "Physician" means a physician licensed under this chapter.

(b) The department, after consultation with the Connecticut Medical Examining Board, the Connecticut State Medical Society, or any other appropriate state board, shall: [, within]

(1) Collect the following information to create an individual profile on each physician and advanced practice registered nurse for dissemination to the public; and

(2) Within available appropriations, collect the following information to create an individual profile on each other health care provider for dissemination to the public:

~~[(1)]~~ (A) The name of the medical or dental school, chiropractic college, school or college of optometry, school or college of chiropody or podiatry, school or college of natureopathy, school of dental hygiene, school of physical therapy or other school or institution giving instruction in the healing arts attended by the physician, advanced practice registered nurse or other health care provider and the date of graduation;

~~[(2)]~~ (B) The site, training, discipline and inclusive dates of any completed postgraduate education or other professional education required pursuant to the applicable licensure section of the general statutes;

House Bill No. 5597

[(3)] (C) The area of the physician's, advanced practice registered nurse's or other health care provider's practice specialty;

[(4)] (D) The address of the physician's, advanced practice registered nurse's or other health care provider's primary practice location or primary practice locations, if more than one;

[(5)] (E) A list of languages, other than English, spoken at the physician's, advanced practice registered nurse's or other health care provider's primary practice locations;

[(6)] (F) An indication of any disciplinary action taken against the physician, advanced practice registered nurse or other health care provider by the department, the appropriate state board or any professional licensing or disciplinary body in another jurisdiction;

[(7)] (G) Any current certifications issued to the physician, advanced practice registered nurse or other health care provider by a specialty board of the profession;

[(8)] (H) The hospitals and nursing homes at which the physician, advanced practice registered nurse or other health care provider has been granted privileges;

[(9)] (I) Any appointments of the physician, advanced practice registered nurse or other health care provider to a Connecticut medical school faculty and an indication as to whether the physician, advanced practice registered nurse or other health care provider has current responsibility for graduate medical education;

[(10)] (J) A listing of the physician's, advanced practice registered nurse's or other health care provider's publications in peer reviewed literature;

[(11)] (K) A listing of the physician's, advanced practice registered

House Bill No. 5597

nurse's or other health care provider's professional services, activities and awards;

[(12)] (L) Any hospital disciplinary actions against the physician, advanced practice registered nurse or other health care provider that resulted, within the past ten years, in the termination or revocation of the physician's, advanced practice registered nurse's or other health care provider's hospital privileges for a professional disciplinary cause or reason, or the resignation from, or nonrenewal of, professional staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to professional competence in such hospital;

[(13)] (M) A description of any criminal conviction of the physician, advanced practice registered nurse or other health care provider for a felony within the last ten years. For the purposes of this subdivision, a physician, advanced practice registered nurse or other health care provider shall be deemed to be convicted of a felony if the physician, advanced practice registered nurse or other health care provider pleaded guilty or was found or adjudged guilty by a court of competent jurisdiction or has been convicted of a felony by the entry of a plea of nolo contendere;

[(14)] (N) To the extent available, and consistent with the provisions of subsection (c) of this section, all professional malpractice court judgments and all professional malpractice arbitration awards against the physician, advanced practice registered nurse or other health care provider in which a payment was awarded to a complaining party during the last ten years, and all settlements of professional malpractice claims against the physician, advanced practice registered nurse and other health care provider in which a payment was made to a complaining party within the last ten years;

[(15)] (O) An indication as to whether the physician, advanced

House Bill No. 5597

practice registered nurse or other health care provider is actively involved in patient care; [and]

(P) An indication as to whether the physician, advanced practice registered nurse or other health care provider provides primary care services and, for advanced practice registered nurses, an indication as to whether the advanced practice registered nurse is practicing independently or in collaboration with a physician pursuant to a collaborative agreement; and

[(16)] (Q) The name of the physician's, advanced practice registered nurse's or other health care provider's professional liability insurance carrier.

(c) Any report of a professional malpractice judgment or award against a physician, advanced practice registered nurse or other health care provider made under [subdivision (14)] subparagraph (N) of subdivision (2) of subsection (b) of this section shall comply with the following: (1) Dispositions of paid claims shall be reported in a minimum of three graduated categories indicating the level of significance of the award or settlement; (2) information concerning paid professional malpractice claims shall be placed in context by comparing an individual physician's, advanced practice registered nurse's or other health care provider's professional malpractice judgments, awards and settlements to the experience of other physicians, advanced practice registered nurses and other health care providers licensed in Connecticut who perform procedures and treat patients with a similar degree of risk; (3) all judgment award and settlement information reported shall be limited to amounts actually paid by or on behalf of the physician, advanced practice registered nurse or other health care provider; and (4) comparisons of professional malpractice payment data shall be accompanied by (A) an explanation of the fact that physicians, advanced practice registered nurses and other health care providers treating certain patients and

House Bill No. 5597

performing certain procedures are more likely to be the subject of litigation than others and that the comparison given is for physicians, advanced practice registered nurses and other health care providers who perform procedures and treat patients with a similar degree of risk; (B) a statement that the report reflects data for the last ten years and the recipient should take into account the number of years the physician, advanced practice registered nurse or other health care provider has been in practice when considering the data; (C) an explanation that an incident giving rise to a professional malpractice claim may have occurred years before any payment was made due to the time lawsuits take to move through the legal system; (D) an explanation of the effect of treating high-risk patients on a physician's, advanced practice registered nurse's or other health care provider's professional malpractice history; and (E) an explanation that professional malpractice cases may be settled for reasons other than liability and that settlements are sometimes made by the insurer without the physician's, advanced practice registered nurse's or other health care provider's consent. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician, advanced practice registered nurse or other health care provider. A payment in settlement of a professional malpractice action or claim should not be construed as creating a presumption that professional malpractice has occurred."

(d) Pending professional malpractice claims against a physician, advanced practice registered nurse or other health care provider and actual amounts paid by or on behalf of a physician, advanced practice registered nurse or other health care provider in connection with a professional malpractice judgment, award or settlement shall not be disclosed by the department to the public. This subsection shall not be construed to prevent the department from investigating and

House Bill No. 5597

disciplining a physician, advanced practice registered nurse or other health care provider on the basis of professional malpractice claims that are pending.

(e) Prior to the initial release of a physician's, advanced practice registered nurse's or other health care provider's profile to the public, the department shall provide the physician, advanced practice registered nurse or other health care provider with a copy of the physician's, advanced practice registered nurse's or other health care provider's profile. Additionally, any amendments or modifications to the profile that were not supplied by the physician, advanced practice registered nurse or other health care provider or not generated by the department itself shall be provided to the physician, advanced practice registered nurse or other health care provider for review prior to release to the public. A physician, advanced practice registered nurse or other health care provider shall have sixty days from the date the department mails or delivers the prepublication copy to dispute the accuracy of any information that the department proposes to include in such profile and to submit a written statement setting forth the basis for such dispute. If a physician, advanced practice registered nurse or other health care provider does not notify the department that the physician, advanced practice registered nurse or other health care provider disputes the accuracy of such information within such sixty-day period, the department shall make the profile available to the public and the physician, advanced practice registered nurse or other health care provider shall be deemed to have approved the profile and all information contained in the profile. If a physician, advanced practice registered nurse or other health care provider notifies the department that the physician, advanced practice registered nurse or other health care provider disputes the accuracy of such information in accordance with this subsection, the physician's, advanced practice registered nurse's or other health care provider's profile shall be released to the public without the disputed information, but with a

House Bill No. 5597

statement to the effect that information in the identified category is currently the subject of a dispute and is therefore not currently available. Not later than thirty days after the department's receipt of notice of a dispute, the department shall review any information submitted by the physician, advanced practice registered nurse or other health care provider in support of such dispute and determine whether to amend the information contained in the profile. In the event that the department determines not to amend the disputed information, the disputed information shall be included in the profile with a statement that such information is disputed by the physician, advanced practice registered nurse or other health care provider.

(f) A physician, advanced practice registered nurse or other health care provider may elect to have the physician's, advanced practice registered nurse's or other health care provider's profile omit information provided pursuant to [subdivisions (9) to (11)] subparagraphs (I) to (K), inclusive, of subdivision (2) of subsection (b) of this section. In collecting information for such profiles and in the dissemination of such profiles, the department shall inform physicians, advanced practice registered nurses and other health care providers that they may choose not to provide the information described in said [subdivisions (9) to (11)] subparagraphs (I) to (K), inclusive.

(g) Each profile created pursuant to this section shall include the following statement: "This profile contains information that may be used as a starting point in evaluating a physician, advanced practice registered nurse or other health care provider. This profile should not, however, be your sole basis for selecting a physician, advanced practice registered nurse or other health care provider.".

(h) The department shall maintain a web site on the Internet for use by the public in obtaining profiles of physicians, advanced practice registered nurses and other health care providers.

House Bill No. 5597

(i) No state law that would otherwise prohibit, limit or penalize disclosure of information about a physician, advanced practice registered nurse or other health care provider shall apply to disclosure of information required by this section.

(j) All information provided by a physician, advanced practice registered nurse or other health care provider pursuant to this section shall be subject to the penalty for false statement under section 53a-157b.

(k) Except for the information in [subdivisions (1), (2), (10) and (11)] subparagraphs (A), (B), (I) and (K) of subdivision (2) of subsection (b) of this section, a physician, advanced practice registered nurse or other health care provider shall notify the department of any changes to the information required in subsection (b) of this section not later than sixty days after such change.

Sec. 159. (*Effective from passage*) (a) The provisions of the agreement between the Office of Early Childhood and the Connecticut State Employees Association (CSEA-SEIU Local 2001) that require supercedence of a law or regulation, submitted to the General Assembly for approval February 24, 2014, as provided in subdivision (7) of subsection (e) of section 17b-705a of the general statutes, are approved.

(b) The provisions of the agreement between the Personal Care Attendant Workforce Council and the New England Health Care Employees Union (District 1199, SEIU) that require supercedence of a law or regulation, submitted to the General Assembly for approval April 4, 2014, as provided in subdivision (7) of subsection (c) of section 17b-706b of the general statutes, are approved.

Sec. 160. Subsection (a) of section 4-256 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu

House Bill No. 5597

thereof (*Effective July 1, 2014*):

(a) On and after October 27, 2011, and prior to January 1, [2015] 2016, the Governor shall approve not more than five projects to be implemented as public-private partnership projects. The Governor shall not approve any such project unless the Governor finds that the project will result in job creation and economic growth. Any agency seeking to establish a public-private partnership shall, after consultation with the Commissioners of Economic and Community Development, Administrative Services and Transportation, the State Treasurer and the Secretary of the Office of Policy and Management, submit one or more projects to the Governor for approval.

Sec. 161. Subsection (b) of section 10-298 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Commissioner of Rehabilitation Services may accept and receive any bequest or gift of money or personal property and, subject to the consent of the Governor and Attorney General as provided in section 4b-22, any devise or gift of real property made to the Commissioner of Rehabilitation Services, and may hold and use such money or property for the purposes, if any, specified in connection with such bequest, devise or gift.

Sec. 162. Section 19a-177 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

The commissioner shall:

(1) With the advice of the Office of Emergency Medical Services established pursuant to section 19a-178 and of an advisory committee on emergency medical services and with the benefit of meetings held pursuant to subsection (b) of section 19a-184, adopt every five years a state-wide plan for the coordinated delivery of emergency medical

House Bill No. 5597

services;

(2) License or certify the following: (A) Ambulance operations, ambulance drivers, emergency medical technicians and communications personnel; (B) emergency room facilities and communications facilities; and (C) transportation equipment, including land, sea and air vehicles used for transportation of patients to emergency facilities and periodically inspect life saving equipment, emergency facilities and emergency transportation vehicles to [insure that] ensure state standards are maintained;

(3) Annually inventory emergency medical services resources within the state, including facilities, equipment, and personnel, for the purposes of determining the need for additional services and the effectiveness of existing services;

(4) Review and evaluate all area-wide plans developed by the emergency medical services councils pursuant to section 19a-182 in order to insure conformity with standards issued by the commissioner;

(5) [Within] Not later than thirty days [of] after their receipt, review all grant and contract applications for federal or state funds concerning emergency medical services or related activities for conformity to policy guidelines and forward such application to the appropriate agency, when required;

(6) Establish such minimum standards and adopt such regulations in accordance with the provisions of chapter 54, as may be necessary to develop the following components of an emergency medical service system: (A) Communications, which shall include, but not be limited to, equipment, radio frequencies and operational procedures; (B) transportation services, which shall include, but not be limited to, vehicle type, design, condition and maintenance, and operational [procedure] procedures; (C) training, which shall include, but not be

House Bill No. 5597

limited to, emergency medical technicians, communications personnel, paraprofessionals associated with emergency medical services, firefighters and state and local police; and (D) emergency medical service facilities, which shall include, but not be limited to, categorization of emergency departments as to their treatment capabilities and ancillary services;

(7) Coordinate training of all personnel related to emergency medical services;

(8) (A) Not later than October 1, 2001, develop or cause to be developed a data collection system that will follow a patient from initial entry into the emergency medical service system through arrival at the emergency room and, within available appropriations, may expand the data collection system to include clinical treatment and patient outcome data. The commissioner shall, on a quarterly basis, collect the following information from each licensed ambulance service or certified ambulance service that provides emergency medical services: (i) The total number of calls for emergency medical services received by such licensed ambulance service or certified ambulance service through the 9-1-1 system during the reporting period; (ii) each level of emergency medical services, as defined in regulations adopted pursuant to section 19a-179, required for each such call; (iii) the response time for each licensed ambulance service or certified ambulance service during the reporting period; (iv) the number of passed calls, cancelled calls and mutual aid calls during the reporting period; and (v) for the reporting period, the prehospital data for the nonscheduled transport of patients required by regulations adopted pursuant to subdivision (6) of this section. The information required under this subdivision may be submitted in any written or electronic form selected by such licensed ambulance service or certified ambulance service and approved by the commissioner, provided the commissioner shall take into consideration the needs of such licensed

House Bill No. 5597

ambulance service or certified ambulance service in approving such written or electronic form. The commissioner may conduct an audit of any such licensed ambulance service or certified ambulance service as the commissioner deems necessary in order to verify the accuracy of such reported information.

(B) The commissioner shall prepare a report to the Emergency Medical Services Advisory Board, established pursuant to section 19a-178a, that shall include, but not be limited to, the following information: (i) The total number of calls for emergency medical services received during the reporting year by each licensed ambulance service or certified ambulance service; (ii) the level of emergency medical services required for each such call; (iii) the name of the provider of each such level of emergency medical services furnished during the reporting year; (iv) the response time, by time ranges or fractile response times, for each licensed ambulance service or certified ambulance service, using a common definition of response time, as provided in regulations adopted pursuant to section 19a-179; and (v) the number of passed calls, cancelled calls and mutual aid calls during the reporting year. The commissioner shall prepare such report in a format that categorizes such information for each municipality in which the emergency medical services were provided, with each such municipality grouped according to urban, suburban and rural classifications.

(C) If any licensed ambulance service or certified ambulance service does not submit the information required under subparagraph (A) of this subdivision for a period of six consecutive months, or if the commissioner believes that such licensed ambulance service or certified ambulance service knowingly or intentionally submitted incomplete or false information, the commissioner shall issue a written order directing such licensed ambulance service or certified ambulance service to comply with the provisions of subparagraph (A) of this

House Bill No. 5597

subdivision and submit all missing information or such corrected information as the commissioner may require. If such licensed ambulance service or certified ambulance service fails to fully comply with such order not later than three months from the date such order is issued, the commissioner (i) shall conduct a hearing, in accordance with chapter 54, at which such licensed ambulance service or certified ambulance service shall be required to show cause why the primary service area assignment of such licensed ambulance service or certified ambulance service should not be revoked, and (ii) may take such disciplinary action under section 19a-17 as the commissioner deems appropriate.

(D) The commissioner shall collect the information required by subparagraph (A) of this subdivision, in the manner provided in said subparagraph, from each person or emergency medical service organization licensed or certified under section 19a-180 that provides emergency medical services;

(9) (A) Establish rates for the conveyance of patients by licensed ambulance services and invalid coaches and establish emergency service rates for certified ambulance services, provided (i) the present rates established for such services and vehicles shall remain in effect until such time as the commissioner establishes a new rate schedule as provided in this subdivision, and (ii) any rate increase not in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, filed in accordance with subparagraph (B)(iii) of this subdivision shall be deemed approved by the commissioner. For purposes of this subdivision, licensed ambulance service shall not include emergency air transport services.

(B) Adopt regulations, in accordance with the provisions of chapter 54, establishing methods for setting rates and conditions for charging such rates. Such regulations shall include, but not be limited to,

House Bill No. 5597

provisions requiring that on and after July 1, 2000: (i) Requests for rate increases may be filed no more frequently than once a year, except that, in any case where an agency's schedule of maximum allowable rates falls below that of the Medicare allowable rates for that agency, the commissioner shall immediately amend such schedule so that the rates are at or above the Medicare allowable rates; (ii) only licensed ambulance services and certified ambulance services that apply for a rate increase in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, and do not accept the maximum allowable rates contained in any voluntary state-wide rate schedule established by the commissioner for the rate application year shall be required to file detailed financial information with the commissioner, provided any hearing that the commissioner may hold concerning such application shall be conducted as a contested case in accordance with chapter 54; (iii) licensed ambulance services and certified ambulance services that do not apply for a rate increase in any year in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, or that accept the maximum allowable rates contained in any voluntary state-wide rate schedule established by the commissioner for the rate application year shall, not later than July fifteenth of such year, file with the commissioner a statement of emergency and nonemergency call volume, and, in the case of a licensed ambulance service or certified ambulance service that is not applying for a rate increase, a written declaration by such licensed ambulance service or certified ambulance service that no change in its currently approved maximum allowable rates will occur for the rate application year; and (iv) detailed financial and operational information filed by licensed ambulance services and certified ambulance services to support a request for a rate increase in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor,

House Bill No. 5597

for the prior year, shall cover the time period pertaining to the most recently completed fiscal year and the rate application year of the licensed ambulance service or certified ambulance service.

(C) Establish rates for licensed ambulance services and certified ambulance services for the following services and conditions: (i) "Advanced life support assessment" and "specialty care transports", which terms shall have the meaning provided in 42 CFR 414.605; and (ii) intramunicipality mileage, which means mileage for an ambulance transport when the point of origin and final destination for a transport is within the boundaries of the same municipality. The rates established by the commissioner for each such service or condition shall be equal to (I) the ambulance service's base rate plus its established advanced life support/paramedic surcharge when advanced life support assessment services are performed; (II) two hundred twenty-five per cent of the ambulance service's established base rate for specialty care transports; and (III) "loaded mileage", as the term is defined in 42 CFR 414.605, multiplied by the ambulance service's established rate for intramunicipality mileage. Such rates shall remain in effect until such time as the commissioner establishes a new rate schedule as provided in this subdivision;

(10) Research, develop, track and report on appropriate quantifiable outcome measures for the state's emergency medical services system and submit to the joint standing committee of the General Assembly having cognizance of matters relating to public health, in accordance with the provisions of section 11-4a, on or before July 1, 2002, and annually thereafter, a report on the progress toward the development of such outcome measures and, after such outcome measures are developed, an analysis of emergency medical services system outcomes;

(11) Establish primary service areas and assign in writing a primary service area responder for each primary service area. Each state-owned

House Bill No. 5597

campus having an acute care hospital on the premises shall be designated as the primary service area responder for that campus;

(12) Revoke primary [services] service area assignments upon determination by the commissioner that it is in the best interests of patient care to do so; and

(13) Annually issue a list of minimum equipment requirements for ambulances and rescue vehicles based upon current national standards. The commissioner shall distribute such list to all emergency medical services organizations and sponsor hospital medical directors and make such list available to other interested stakeholders. Emergency medical services organizations shall have one year from the date of issuance of such list to comply with the minimum equipment requirements.

Sec. 163. Subdivision (3) of subsection (a) of section 10a-55m of the general statutes, as amended by section 2 of public act 14-11, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(3) "Institution of higher education" means an institution of higher education, as defined in section 10a-55, and a for-profit institution of higher education licensed to operate in this state, but shall not include Charter Oak State College for purposes of subsections (c) and (f) of this section and sections 3 to 5, inclusive, of public act 14-11;

Sec. 164. Section 10a-55m of the general statutes, as amended by section 2 of public act 14-11, is amended by adding subsection (g) as follows (*Effective July 1, 2014*):

(NEW) (g) Nothing in this section shall be interpreted to prohibit Charter Oak State College from providing, either in person or electronically, optional sexual assault, stalking and intimate partner violence prevention and awareness programming for all students and

House Bill No. 5597

employees of said college.

Sec. 165. (NEW) (*Effective July 1, 2014, and applicable to income years commencing on or after January 1, 2014*) (a) As used in this section, the following terms shall have the following meanings unless the context clearly indicates another meaning:

(1) "Officer" means the State Historic Preservation Officer designated pursuant to 36 CFR 61.2;

(2) "Certified historic structure" means any property that: (A) Is listed individually on the National or State Register of Historic Places, or (B) is located in a district listed on the National or State Register of Historic Places and has been certified by the officer as contributing to the historic character of such district;

(3) "Certified rehabilitation" means any rehabilitation of a certified historic structure for (A) residential use of five units or more, (B) mixed residential and nonresidential uses, or (C) nonresidential use consistent with the historic character of such property or the district in which such property is located, as determined by regulations adopted by the Department of Economic and Community Development;

(4) "Owner" means any person, firm, limited liability company, nonprofit or for-profit corporation or other business entity or municipality that possesses title to an historic structure and that undertakes the rehabilitation of such structure;

(5) "Placed in service" means the completion of substantial rehabilitation work that would allow for occupancy of the entire building or an identifiable portion of the building;

(6) "Qualified rehabilitation expenditures" means any costs incurred for the physical construction involved in the rehabilitation of a certified historic structure, excluding: (A) The owner's personal labor,

House Bill No. 5597

(B) the cost of a new addition, except as required to comply with any provision of the State Building Code or the Fire Safety Code, and (C) any nonconstruction cost such as architectural fees, legal fees and financing fees;

(7) "Rehabilitation plan" means any narrative, construction plans and specifications for the proposed rehabilitation of a certified historic structure in sufficient detail for evaluation of compliance with the Secretary of the Interior's Standards for Rehabilitation, as established in 36 CFR 67;

(8) "Substantial rehabilitation" or "substantially rehabilitate" means the qualified rehabilitation expenditures of a certified historic structure that exceed twenty-five per cent of the assessed value of such structure;

(9) "Affordable housing" has the same meaning as provided in section 8-39a of the general statutes; and

(10) "Project" means an undertaking involving rehabilitation work to a certified historic structure and any attached or adjacent new construction, associated demolition or improvements on the site that may affect the historic character or significance of the certified historic structure.

(b) (1) The Department of Economic and Community Development shall administer a system of tax credit vouchers within the resources, requirements and purposes of this section for owners rehabilitating certified historic structures.

(2) The credit authorized by this section shall be available in the tax year in which the substantially rehabilitated certified historic structure is placed in service. In the case of projects completed in phases, the tax credit shall be prorated to the substantially rehabilitated identifiable portion of the building placed in service. If the tax credit is more than

House Bill No. 5597

the amount owed by the taxpayer for the year in which the substantially rehabilitated certified historic structure is placed in service, the amount that is more than the taxpayer's tax liability may be carried forward and credited against the taxes imposed for the succeeding five years or until the full credit is used, whichever occurs first.

(3) In the case of projects completed in phases, the Department of Economic and Community Development may issue vouchers for the substantially rehabilitated identifiable portion of the building placed in service.

(4) If a credit is allowed under this section for rehabilitation of a certified historic structure with multiple owners, such credit shall be passed through to such owners, or persons designated as partners or members of such owners, pro rata or pursuant to an agreement among such owners, or persons designated as partners or members of such owners, documenting an alternative distribution method without regard to other tax or economic attributes of such owners.

(5) Any owner entitled to a credit under this section may sell, assign, or otherwise transfer such credit, in whole or in part, to one or more persons, as defined in section 12-1 of the general statutes, provided any credit, after issuance, may be sold, assigned or otherwise transferred, in whole or in part, not more than three times. Such person shall be entitled to offset the tax imposed under chapter 207, 208, 209, 210, 211 or 212 of the general statutes as if such transferee had incurred the qualified rehabilitation expenditure.

(6) If a credit under this section is sold, assigned or otherwise transferred, whether by the owner or any subsequent transferee, the transferor and transferee shall jointly submit written notification of such transfer to the Department of Economic and Community Development not later than thirty days after such transfer. The

House Bill No. 5597

notification after each transfer shall include the credit voucher number, the date of transfer, the amount of such credit transferred, the tax credit balance before and after the transfer, the tax identification numbers for both the transferor and the transferee, and any other information required by the department. Failure to comply with this subsection shall result in a disallowance of the tax credit until there is full compliance on the part of the transferor and the transferee, and for a second or third transfer, on the part of all subsequent transferors and transferees.

(7) The Department of Economic and Community Development shall provide a list to the Commissioner of Revenue Services, on an annual basis, detailing the credits that have been approved for the most recent fiscal year and all sales, assignments and transfers thereof that were made under this section for said year.

(c) The Department of Economic and Community Development may adopt regulations, in accordance with chapter 54 of the general statutes to carry out the purposes of this section. Such regulations shall include provisions for: (1) The filing of applications, (2) the rating criteria for evaluating applications, and (3) the timely approval of applications by the department.

(d) For the purpose of seeking a tax credit pursuant to subsection (b) of this section, prior to beginning any rehabilitation work on a certified historic structure, the owner shall submit to the officer (1) (A) a rehabilitation plan for a determination of whether such rehabilitation work meets the Secretary of the Interior's Standards for Rehabilitation, as established in 36 CFR 67, and (B) if such rehabilitation work is planned to be undertaken in phases, a complete description of each such phase, with anticipated schedules for completion; (2) an estimate of the qualified rehabilitation expenditures; and (3) for projects pursuant to subdivision (2) of subsection (e) of this section, (A) the number of units of affordable housing to be created, (B) the proposed

House Bill No. 5597

rents or sale prices of such units, and (C) the median income for the municipality where the project is located. For projects under subdivision (2) of subsection (e) of this section, the owner shall submit a copy of data required under subdivision (3) of this subsection to the Department of Housing.

(e) If the officer certifies that the rehabilitation plan conforms to the Secretary of the Interior's Standards for Rehabilitation, as established in 36 CFR 67, the Department of Economic and Community Development shall reserve for the benefit of the owner an allocation for a tax credit equivalent to (1) twenty-five per cent of the projected qualified rehabilitation expenditures, or (2) thirty per cent of the projected qualified rehabilitation expenditures if (A) at least twenty per cent of the units are rental units and qualify as affordable housing, or (B) at least ten per cent of the units are individual homeownership units and qualify as affordable housing. No tax credit shall be allocated for the purposes of subdivision (2) of this subsection unless an applicant received a certificate from the Commissioner of Housing pursuant to section 8-37III of the general statutes confirming that the project complies with the definition of affordable housing under section 8-39a of the general statutes.

(f) Following the completion of rehabilitation of a certified historic structure in its entirety or in phases to an identifiable portion of the building, any owner who seeks a tax credit pursuant to subsection (b) of this section shall notify the officer that such rehabilitation is complete. Such owner shall provide the officer with documentation of work performed on the certified historic structure and shall submit certification of the costs incurred in rehabilitating the certified historic structure. The officer shall review such rehabilitation and verify its compliance with the rehabilitation plan. Following such verification, the Department of Economic and Community Development shall issue a tax credit voucher to such owner or to the taxpayer named by such

House Bill No. 5597

owner as contributing to the rehabilitation. The tax credit voucher shall be in an amount equivalent to the lesser of the tax credit reserved upon certification of the rehabilitation plan under the provisions of subsection (e) of this section or (1) twenty-five per cent of the actual qualified rehabilitation expenditures, or (2) for projects including affordable housing pursuant to subdivision (2) of subsection (e) of this section, thirty per cent of the actual qualified rehabilitation expenditures. In order to obtain a credit against any state tax due that is specified in subsection (g) of this section, the holder of the tax credit voucher shall file the voucher with the holder's state tax return.

(g) The Commissioner of Revenue Services shall grant a tax credit to a taxpayer holding the tax credit voucher issued in accordance with subsections (b) to (i), inclusive, of this section against any tax due under chapter 207, 208, 209, 210, 211 or 212 of the general statutes in the amount specified in the tax credit voucher. Such taxpayer shall submit the voucher and the corresponding tax return to the Department of Revenue Services.

(h) The Department of Economic and Community Development may charge any owner seeking a tax credit pursuant to subsection (b) of this section an application fee in an amount not to exceed ten thousand dollars to cover the cost of administering the program established pursuant to this section.

(i) The aggregate amount of all tax credits that may be reserved by the Department of Economic and Community Development upon certification of rehabilitation plans pursuant to subsections (b) to (h), inclusive, of this section shall not exceed thirty-one million seven hundred thousand dollars in any fiscal year. No project may receive tax credits in an amount exceeding four million five hundred thousand dollars.

(j) On or before October 1, 2015, and annually thereafter, the

House Bill No. 5597

Department of Economic and Community Development shall report, in accordance with section 11-4a of the general statutes, the total amount of tax credits reserved for the previous fiscal year pursuant to subsections (b) to (i), inclusive, of this section, to the joint standing committees of the General Assembly having cognizance of matters relating to commerce and finance, revenue and bonding. Each such report shall include the following information for each project for which a tax credit has been reserved: (1) The total project costs, (2) the value of the tax credit reservation pursuant to subdivision (1) of subsection (e) of this section, (3) a statement whether the reservation is for mixed-use and if so, the proportion of the project that is not residential, and (4) the number of residential units to be created, and, for reservations pursuant to subdivision (2) of subsection (e) of this section, the value of the reservation and percentage of residential units that will qualify as affordable housing.

Sec. 166. Section 8-37III of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Commissioner of Housing shall review applications for [affordable housing] tax credits submitted to the Department of Housing pursuant to subsection (e) of section 10-416b or subsection (d) of section 165 of this act. Upon determination that an application contains affordable housing, [as required by said section] the commissioner shall issue a certificate to that effect. The commissioner shall monitor projects certified under this section to ensure that the affordable housing units are maintained as affordable for a minimum of ten years and may require deed restrictions or other fiscal mechanisms designed to ensure compliance with project requirements. [The] In addition to the fee imposed by the Department of Economic and Community Development pursuant to subsection (h) of section 165 of this act, the commissioner may impose a fee in an amount not exceeding two thousand dollars to cover the cost of reviewing

House Bill No. 5597

applications and monitoring projects that qualify for affordable housing tax credits pursuant to subsections (a) to (j), inclusive, of section 10-416b or subsections (b) to (i), inclusive, of section 165 of this act.

(b) The Commissioner of Housing may adopt regulations, pursuant to chapter 54, for monitoring of projects that qualify for affordable housing tax credits pursuant to subsections (a) to (j), inclusive, of section 10-416b or subsections (b) to (i), inclusive, of section 165 of this act by the Department of Housing, or by local housing authorities, municipalities, other public agencies or quasi-public agencies, as defined in section 1-120, designated by the department. Such regulations shall include provisions for ensuring that affordable units developed under subdivision (3) of subsection (e) of section 10-416b or subdivision (3) of subsection (d) of section 165 of this act are maintained as affordable for a minimum of ten years and may require deed restrictions or other fiscal mechanisms designed to ensure compliance with project requirements.

Sec. 167. Section 10-416a of the general statutes is amended by adding subsection (k) as follows (*Effective July 1, 2014*):

(NEW) (k) Notwithstanding subsection (f) of this section, no tax credit shall be reserved under this section on or after July 1, 2014.

Sec. 168. Section 10-416b of the general statutes is amended by adding subsection (n) as follows (*Effective July 1, 2014*):

(NEW) (n) Notwithstanding subsection (f) of this section, no tax credit shall be reserved under this section on or after July 1, 2014.

Sec. 169. Subdivision (12) of section 1-79 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

House Bill No. 5597

(12) "Quasi-public agency" means Connecticut Innovations, Incorporated, [and] the Connecticut Health and Education Facilities Authority, the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Student Loan Foundation, the Connecticut Housing Finance Authority, the State Housing Authority, the Connecticut Resources Recovery Authority, the Capital Region Development Authority, the Connecticut Lottery Corporation, the Connecticut Airport Authority, [Health Information Technology Exchange of Connecticut,] the Connecticut Health Insurance Exchange and the Clean Energy Finance and Investment Authority.

Sec. 170. Subdivision (1) of section 1-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(1) "Quasi-public agency" means Connecticut Innovations, Incorporated, and the Connecticut Health and Educational Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Capital Region Development Authority, Connecticut Lottery Corporation, Connecticut Airport Authority, [Health Information Technology Exchange of Connecticut,] Connecticut Health Insurance Exchange and Clean Energy Finance and Investment Authority.

Sec. 171. Section 1-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Connecticut Innovations, Incorporated, the Connecticut Health and Educational Facilities Authority, the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Housing Finance Authority, the Connecticut Housing Authority, the Connecticut Resources Recovery Authority, [the Health Information Technology Exchange of Connecticut,] the Connecticut Airport

House Bill No. 5597

Authority, the Capital Region Development Authority, the Connecticut Health Insurance Exchange and the Clean Energy Finance and Investment Authority shall not borrow any money or issue any bonds or notes which are guaranteed by the state of Connecticut or for which there is a capital reserve fund of any kind which is in any way contributed to or guaranteed by the state of Connecticut until and unless such borrowing or issuance is approved by the State Treasurer or the Deputy State Treasurer appointed pursuant to section 3-12. The approval of the State Treasurer or said deputy shall be based on documentation provided by the authority that it has sufficient revenues to (1) pay the principal of and interest on the bonds and notes issued, (2) establish, increase and maintain any reserves deemed by the authority to be advisable to secure the payment of the principal of and interest on such bonds and notes, (3) pay the cost of maintaining, servicing and properly insuring the purpose for which the proceeds of the bonds and notes have been issued, if applicable, and (4) pay such other costs as may be required.

(b) To the extent Connecticut Innovations, Incorporated, and the Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Connecticut Health and Educational Facilities Authority, [the Health Information Technology Exchange of Connecticut,] the Connecticut Airport Authority, the Capital Region Development Authority, the Connecticut Health Insurance Exchange or the Clean Energy Finance and Investment Authority is permitted by statute and determines to exercise any power to moderate interest rate fluctuations or enter into any investment or program of investment or contract respecting interest rates, currency, cash flow or other similar agreement, including, but not limited to, interest rate or currency swap agreements, the effect of which is to subject a capital reserve fund which is in any way contributed to or guaranteed by the state of

House Bill No. 5597

Connecticut, to potential liability, such determination shall not be effective until and unless the State Treasurer or his or her deputy appointed pursuant to section 3-12 has approved such agreement or agreements. The approval of the State Treasurer or his or her deputy shall be based on documentation provided by the authority that it has sufficient revenues to meet the financial obligations associated with the agreement or agreements.

Sec. 172. Section 1-125 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The directors, officers and employees of Connecticut Innovations, Incorporated, and the Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, including ad hoc members of the Connecticut Resources Recovery Authority, Connecticut Health and Educational Facilities Authority, Capital Region Development Authority, [the Health Information Technology Exchange of Connecticut,] Connecticut Airport Authority, Connecticut Lottery Corporation, Connecticut Health Insurance Exchange and the Clean Energy Finance and Investment Authority and any person executing the bonds or notes of the agency shall not be liable personally on such bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof, nor shall any director or employee of the agency, including ad hoc members of the Connecticut Resources Recovery Authority, be personally liable for damage or injury, not wanton, reckless, wilful or malicious, caused in the performance of his or her duties and within the scope of his or her employment or appointment as such director, officer or employee, including ad hoc members of the Connecticut Resources Recovery Authority. The agency shall protect, save harmless and indemnify its directors, officers or employees, including ad hoc members of the Connecticut Resources Recovery Authority, from financial loss and

House Bill No. 5597

expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or alleged deprivation of any person's civil rights or any other act or omission resulting in damage or injury, if the director, officer or employee, including ad hoc members of the Connecticut Resources Recovery Authority, is found to have been acting in the discharge of his or her duties or within the scope of his or her employment and such act or omission is found not to have been wanton, reckless, wilful or malicious.

Sec. 173. Section 4-60i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Commissioner of Social Services shall (1) develop, throughout the Departments of Developmental Services, Public Health, Correction, Children and Families and Mental Health and Addiction Services, uniform management information, uniform statistical information, uniform terminology for similar facilities, uniform electronic health information technology standards and uniform regulations for the licensing of human services facilities, (2) plan for increased participation of the private sector in the delivery of human services, (3) provide direction and coordination to federally funded programs in the human services agencies and recommend uniform system improvements and reallocation of physical resources and designation of a single responsibility across human services agencies lines to eliminate duplication.

(b) The Commissioner of Social Services shall, in consultation with the Departments of Public Health and Mental Health and Addiction Services, implement and periodically revise the state-wide health information technology plan established pursuant to section 19a-25d and shall establish electronic data standards to facilitate the development of integrated electronic health information systems, as defined in subsection (a) of section 19a-25d, for use by health care

House Bill No. 5597

providers and institutions that receive state funding. Such electronic data standards shall: (1) Include provisions relating to security, privacy, data content, structures and format, vocabulary and transmission protocols; (2) limit the use and dissemination of an individual's Social Security number and require the encryption of any Social Security number provided by an individual; (3) require privacy standards no less stringent than the "Standards for Privacy of Individually Identifiable Health Information" established under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time, and contained in 45 CFR 160, 164; (4) require that individually identifiable health information be secure and that access to such information be traceable by an electronic audit trail; (5) be compatible with any national data standards in order to allow for interstate interoperability, as defined in subsection (a) of section 19a-25d; (6) permit the collection of health information in a standard electronic format, as defined in subsection (a) of section 19a-25d; and (7) be compatible with the requirements for an electronic health information system, as defined in subsection (a) of section 19a-25d.

Sec. 174. Section 4-60j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

In fulfilling his or her responsibilities under sections 4-60i and 4-60l and complying with the requirements of section 19a-25d, the [commissioner] Commissioner of Social Services shall take into consideration such advice as may be provided to the commissioner by advisory boards and councils in the human services areas.

Sec. 175. Section 4-60l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Matters of policy involving more than one of the agencies designated in section 4-60i shall be presented to the [commissioner for

House Bill No. 5597

his] Commissioner of Social Services for his or her approval prior to implementation.

(b) Matters of program development involving more than one of the agencies designated in section 4-60i shall be presented to the commissioner for his or her approval prior to implementation.

(c) Any plan of any agency designated in section 4-60i for the future use or development of property or other resources shall be submitted to the commissioner for his or her approval prior to implementation.

(d) Any plan of any agency designated in section 4-60i for revision of the health information technology plan shall be submitted to the commissioner for his or her approval prior to implementation. If such approval requires funding, after the commissioner has granted approval, the commissioner shall submit such revisions to the Secretary of the Office of Policy and Management.

(e) On or before January 1, 2015, and annually thereafter, the commissioner shall submit, in accordance with the provisions of section 11-4a, the state-wide health information technology plan, as revised in accordance with section 4-60i, to the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations and the budgets of state agencies.

Sec. 176. (NEW) (*Effective July 1, 2014*) (a) There is established a Go Back to Get Ahead program, administered by the Board of Regents for Higher Education, for the purpose of encouraging individuals who previously enrolled in an associate's or bachelor's degree program, but left such program prior to its completion or who received an associate's degree and seek to advance their educational attainment, to return to an institution of higher education to earn a degree.

(b) Subject to the guidelines established by the Board of Regents for

House Bill No. 5597

Higher Education, the Go Back to Get Ahead program shall provide, within available resources, an incentive of up to three free three-credit courses necessary for the completion of an associate's or bachelor's degree to any resident of this state who previously enrolled in an associate's or bachelor's degree program at any public or independent institution of higher education, who either (1) left such program prior to completing it, or (2) received an associate's degree and seeks to enroll in a bachelor's degree program, and who has not attended any institution of higher education for at least eighteen months as of June 30, 2014. Said program shall be limited to individuals who enroll, not later than September 30, 2016, in an associate's or bachelor's degree program at a state college within the Connecticut State University System, a regional community-technical college or Charter Oak State College.

Sec. 177. Subsection (c) of section 32-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(c) (1) On or before September 30, 1993, the Commissioner of Economic and Community Development shall approve the designation of ten areas as enterprise zones, not more than four of which shall be in municipalities with a population greater than eighty thousand and not more than six of which shall be in municipalities with a population of less than eighty thousand.

(2) (A) On or after October 1, 1993, the commissioner shall approve the designation of two areas as enterprise zones. Each such area shall be in a municipality with a population of less than eighty thousand, in which there are one or more base or plant closures. Such municipalities shall be in different counties. If the commissioner approves the designation of an area of a municipality as an enterprise zone because of a plant closure in the municipality and there is a closure of another plant in any other municipality in the state by the same business, the

House Bill No. 5597

commissioner shall also designate an area in such other municipality as an enterprise zone. If any such designated area includes a portion of a census tract in which any such base or plant is located, the census tracts in such area shall not be required to meet the eligibility criteria set forth under subsection (a) of this section for enterprise zone designation. If any such area is located elsewhere in the municipality, the census tracts in such area shall meet such eligibility criteria. As used in this subparagraph, (i) "base" means any United States or state of Connecticut military base or facility located in whole or in part within the state; (ii) "plant" means any manufacturing or economic base business, as defined in subsection (l) of section 32-222; and (iii) "closure" means any reduction or transfer in military personnel or civilian employment at one or more bases or plants in a municipality, which occurred between July 1, 1989, and July 1, 1993, or is scheduled to occur between July 1, 1993, and July 1, 1996, and exceeds two thousand persons. Such employment figures shall be certified by the Labor Department. (B) On or after October 1, 1993, the commissioner shall approve the designation of three other areas as enterprise zones, one of which shall be in a municipality with a population greater than eighty thousand and two of which shall be in municipalities with a population of less than eighty thousand. The census tracts in such areas shall meet the eligibility criteria set forth under subsection (a) of this section for enterprise zone designation. The commissioner shall approve the designation of enterprise zones under this subparagraph for those municipalities which he or she determines to have experienced the largest increases in poverty from October 1, 1989, to October 1, 1993, inclusive, based on a weighted average of the unemployment rate, caseload under the temporary family assistance program and per capita income of less than ninety per cent of the state average between 1985 and 1989. In making his determination, the commissioner may also consider the vacancy rates for commercial and industrial facilities in a municipality and a municipality's program for the implementation of an effective enterprise zone program. To the

House Bill No. 5597

extent appropriate, the commissioner shall use the Regional Economic Models, Inc. (REMI) system in making the calculations for such determination. (C) Notwithstanding the provisions of subsection (a) of this section, municipalities that were not distressed municipalities under the provisions of subsection (b) of section 32-9p on February 1, 1986, shall be eligible to designate areas as enterprise zones under subparagraph (A) or (B) of this subdivision.

(3) On or after July 1, 2014, the commissioner shall approve the designation of two areas as enterprise zones as follows: (A) One area shall be in a municipality with a population of not more than fifty thousand, as enumerated in the 2010 federal decennial census, and in which is located a United States Postal Service processing center that at any point in time employed one thousand or more persons, except that such area shall only be designated as an enterprise zone for a term of five years from the date any portion of the area is transferred, provided such transfer occurs on or after July 1, 2014, and (B) one area shall be in a municipality with a population of not less than seven thousand eight hundred and not more than seven thousand nine hundred, as enumerated in the 2010 federal decennial census, and having a total area of not more than 12.2 square miles. Each such enterprise zone area shall consist of two contiguous United States census tracts, contiguous portions of such census tracts or all or a portion of an individual census tract, as determined in accordance with the most recent federal decennial census and, if such area is covered by zoning, a portion of such area shall be zoned to allow commercial or industrial activity. The census tracts in each such enterprise zone area shall not be required to meet the eligibility criteria set forth in subsection (a) of this section. Notwithstanding the provisions of subsection (a) of this section, municipalities that were not distressed municipalities under the provisions of subsection (b) of section 32-9p on February 1, 1986, shall be eligible to designate areas as enterprise zones under this subdivision.

House Bill No. 5597

[(3)] (4) The commissioner shall not approve the designation of more than one enterprise zone in any municipality. The commissioner shall adopt regulations in accordance with chapter 54 concerning such additional qualifications for an area to become an enterprise zone as he or she deems necessary. The commissioner may remove the designation of any area he or she has approved as an enterprise zone if such area no longer meets the criteria for designation as such an area set forth in this section or in regulations adopted pursuant to this section, provided no such designation shall be removed less than ten years from the original date of approval of such zone. The commissioner may designate any additional area as an enterprise zone if that area is designated as an enterprise zone, empowerment zone or enterprise community pursuant to any federal legislation.

Sec. 178. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 8-210 of the general statutes, the Commissioner of Social Services shall provide the full amount of funding authorized by the State Bond Commission on January 9, 2014, for the city of Norwich for improvements to the Rose City Senior Center and shall waive the requirement that the city of Norwich be responsible for not less than one-third of the cost of the capital development project.

Sec. 179. Section 51-5d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Chief Court Administrator, or a designee, on or before the last day of January, April, July and October in each year, shall certify the amount of revenue received as a result of any fee increase that [takes] took effect July 1, 2009, set forth in sections 52-258, 52-259, 52-259c and 52-361a, and transfer such amount to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor.

House Bill No. 5597

(b) The Chief Court Administrator, or a designee, on or before the last day of January, April, July and October in each year, shall (1) certify the amount of revenue received as a result of any fee increase that [takes] took effect July 1, 2012, set forth in (A) section 52-259, (B) section 52-259c, (C) subdivision (1) of subsection (a) of section 52-356a, (D) subsection (a) of section 52-361a, (E) subsection (b) of section 52-367a, and (F) subsection (b) of section 52-367b, and (2) transfer (A) seventy per cent of such amount prior to July 1, 2014, and ninety-five per cent of such amount on or after July 1, 2014, to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor, and (B) thirty per cent of such amount prior to July 1, 2014, and five per cent of such amount on or after July 1, 2014, to the Judicial Data Processing Revolving Fund established in section 51-5b, for the purpose of maintaining and improving any informational data processing system operated by the Judicial Department, subject to the transfer requirements of subsection (c) of section 51-5b.

Sec. 180. (NEW) (*Effective July 1, 2014*) As used in this section and sections 181 to 185, inclusive, of this act:

(1) "Individual retirement account" means a Roth IRA, an individual retirement account or individual retirement annuity established in accordance with Section 408(a) or (b) of the Internal Revenue Code;

(2) "Internal Revenue Code" means the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time;

(3) "Plan participant" means any eligible employee who maintains an individual retirement account pursuant to the plan;

(4) "Public retirement plan" or "plan" means a retirement plan

House Bill No. 5597

designed by the Connecticut Retirement Security Board;

(5) "Qualified employer" means any person, corporation, limited liability company, firm, partnership, voluntary association, joint stock association or other entity that employs five or more persons in the state. "Qualified employer" does not include: (A) The federal government, (B) the state or any political subdivision thereof, or (C) any municipality, unit of a municipality or municipal housing authority; and

(6) "Vendor" means (A) a regulated investment company or an insurance company conducting business in the state, or (B) a company conducting business in the state to (i) provide payroll or recordkeeping services, and (ii) offer retirement plans or payroll deposit individual retirement account arrangements using products of regulated investment companies. "Vendor" does not include individual registered representatives, brokers, financial planners or agents.

Sec. 181. (NEW) (*Effective July 1, 2014*) (a) There is established the Connecticut Retirement Security Board that shall conduct a market feasibility study regarding the implementation of the public retirement plan and develop a comprehensive proposal for the implementation of such plan.

(b) Notwithstanding the provisions of section 4-9a of the general statutes, the board shall consist of the following members:

(1) One appointed by the president pro tempore of the Senate, who shall be an expert on retirement plan designs and who shall serve an initial term of four years;

(2) One appointed by the speaker of the House of Representatives, who shall represent an organization whose principal purpose is advocacy for seniors and who shall serve an initial term of four years;

House Bill No. 5597

(3) One appointed by the majority leader of the Senate, who shall be an organized labor representative and who shall serve an initial term of four years;

(4) One appointed by the majority leader of the House of Representatives, who shall be an individual who manages employee retirement plan options in the private sector and who shall serve an initial term of four years;

(5) One appointed by the minority leader of the Senate, who shall have expertise in designing retirement plan options for businesses and who shall serve an initial term of three years;

(6) One appointed by the minority leader of the House of Representatives, who shall be an individual with expertise in consumer retirement planning and who shall serve an initial term of three years;

(7) Two appointed by the Governor, one of whom shall be a plan participant or potential plan participant and one of whom shall have expertise regarding the federal Employment Retirement Income Security Act of 1974 or the Internal Revenue Code, or both, both of whom shall serve an initial term of three years;

(8) One appointed by the State Comptroller and one appointed by the State Treasurer, both of whom shall be experienced in matters relating to investments and both of whom shall serve an initial term of three years;

(9) The State Comptroller, or the Comptroller's designee;

(10) The State Treasurer, or the Treasurer's designee;

(11) The Labor Commissioner, or the commissioner's designee; and

(12) The Secretary of the Office of Policy and Management, or the

House Bill No. 5597

secretary's designee.

(c) All appointments to the board shall be made not later than July 31, 2014. Following the expiration of their initial terms, subsequent members appointed by the Governor and members of the General Assembly shall serve three-year terms. Any vacancy shall be filled by the appointing authority not later than thirty calendar days after the office becomes vacant. Any member previously appointed to the board may be reappointed.

(d) The State Comptroller and the State Treasurer shall serve as chairpersons of the board. Said chairpersons shall schedule the first meeting of the board, which shall be held not later than forty calendar days after the effective date of this section. The board shall meet at least monthly.

(e) The members shall serve without compensation but shall, within available appropriations, be reimbursed in accordance with the standard travel regulations for all necessary expenses that they may incur through service on the board.

(f) Each member shall, not later than ten calendar days after appointment, take an oath of office that so far as it devolves upon the member, the member will diligently and honestly administer the affairs of the board, and will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the establishment of the plan. Each member's term shall begin from the date the member takes such an oath. The oath shall be administered by a chairperson of the board.

(g) Each member shall be entitled to one vote on the board. A majority of the members that have been appointed to the board shall constitute a quorum for the transaction of any business, the exercise of any power or the performance of any duty authorized or imposed by

House Bill No. 5597

law.

(h) The board shall be within the office of the State Comptroller for administrative purposes only.

(i) The board may:

(1) Enter into one or more contractual agreements, as necessary, including contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing and consulting services and pay for such services using funds deposited in an account established by the State Comptroller pursuant to section 183 of this act; and

(2) Form working groups, as necessary, to solicit feedback from key stakeholders on the design of the plan, advocate for changes in federal retirement law to improve retirement security, assess the impact of the plan on reducing public assistance costs for the elderly in the state and determine if changes in federal or state tax law would help employees in the state save for retirement.

Sec. 182. (NEW) (*Effective July 1, 2014*) Each member of the Connecticut Retirement Security Board shall file, with the board and the Office of State Ethics, a statement of financial interests, as described in section 1-83 of the general statutes. Such statement shall be a public record.

Sec. 183. (NEW) (*Effective July 1, 2014*) The Connecticut Retirement Security Board may accept and receive any bequest, devise or gift of money or personal property, and may hold and use such money or property for the purposes, if any, specified in connection with such bequest, devise or gift. The board may apply for grants or financial assistance from any person, group of persons or corporation or from any agency of the state or of the United States. Any such grants or financial assistance shall be deposited in an account established by the

House Bill No. 5597

State Comptroller as a separate, nonlapsing account within the General Fund, and shall be utilized to support the activities of the board as set forth in sections 181 to 185, inclusive.

Sec. 184. (*Effective July 1, 2014*) (a) The Connecticut Retirement Security Board shall conduct a market feasibility study to (1) determine whether the goals and design features of the plan, as described in section 185 of this act, may be accomplished, and (2) recommend methods by which such goals and design features shall be accomplished. Such market feasibility study shall examine: (A) Likely participation rates, (B) contribution levels, (C) rate of account closures and rollovers, (D) ability to provide employers with a payroll deposit system for remitting contributions from employees, (E) funding options for implementation of the plan, (F) likely insurance costs and whether such costs should be subject to the limit on annual administrative expenses pursuant to subdivision (7) of subsection (a) of section 185 of this act, and (G) legal compliance necessary to ensure the individual retirement accounts qualify for the favorable federal income tax treatment ordinarily accorded to individual retirement accounts under the Internal Revenue Code, and that the public retirement plan is not treated as an employee benefit plan under the federal Employee Retirement Income Security Act of 1974.

(b) Not later than May 1, 2015, the board shall submit, in accordance with the provisions of section 11-4a of the general statutes, a report on the status of such market feasibility study to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees.

(c) Not later than January 1, 2016, the board shall submit, in accordance with the provisions of section 11-4a of the general statutes, a report describing the results of the market feasibility study to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees.

House Bill No. 5597

Sec. 185. (NEW) (*Effective July 1, 2014*) (a) After completion of the market feasibility study conducted pursuant to section 184 of this act, the Connecticut Retirement Security Board shall, in consultation with qualified employers, potential plan participants, representatives of the financial services sector and other stakeholders, develop a comprehensive proposal for the implementation of the plan. Such comprehensive proposal shall include, but not be limited to, the following goals and design features:

- (1) An increase in access to and enrollment in quality retirement plans without incurring debts or liabilities to the state;
- (2) A reduced need for public assistance through a system of prefunded retirement income;
- (3) A minimal need for financial sophistication in plan participants;
- (4) The promotion of transparency and accountability in the management of the retirement funds through oversight, regular reporting to plan participants and ethics review of plan fiduciaries;
- (5) The payment of all expenses, including employee costs, incurred to implement, maintain, advertise and administer the plan, from moneys collected by or for the trust;
- (6) Plan portability through maintenance of individual retirement accounts for each plan participant;
- (7) Low administrative costs that shall be limited to an annual, predetermined percentage of the total plan balance;
- (8) The provision of an annuitized benefit with options for conversion to lump-sum payout upon retirement, spousal benefit and preretirement death benefits to enable a plan participant to bequeath assets to designated beneficiaries;

House Bill No. 5597

(9) An annually predetermined guaranteed rate of return and the procurement of insurance, as necessary, to guarantee the stated rate of return;

(10) Implementation of a default contribution rate and a process by which plan participants may elect to change their level of contribution;

(11) Compliance with all applicable requirements of federal and state laws, rules and regulations;

(12) Ensuring that the plan participants and the individual retirement accounts qualify for the favorable federal income tax treatment ordinarily accorded to individual retirement accounts under the Internal Revenue Code;

(13) Ensuring that the plan is not treated as an employee benefit plan under the federal Employee Retirement Income Security Act of 1974;

(14) A process to determine the eligibility of an employer, employee or any other individual to participate in the plan and to ensure mandatory participation by any qualified employer that does not offer an employer-sponsored retirement plan to its employees;

(15) A process by which a qualified employer shall credit the plan participant's contributions to his or her individual retirement account through payroll deposit;

(16) Employer immunity with regard to investment returns, plan design and retirement income paid to plan participants;

(17) A process for streamlined enrollment of potential plan participants, including automatic enrollment of each employee unless the employee chooses to opt out of participating in the plan;

(18) The dissemination of educational information concerning

House Bill No. 5597

saving and planning for retirement to potential plan participants;

(19) The establishment of a secure Internet web site to assist qualified employers in identifying vendors of retirement arrangements that may be implemented by qualified employers in lieu of participation in the plan;

(20) Legal enforcement of employer obligations arising under the plan;

(21) Ensuring that any assets held for the plan shall be used for the purpose of distributing individual retirement savings balances to the plan participants and paying the operational, administrative and investment costs associated with the plan;

(22) Ensuring that any amounts on deposit to be utilized in the plan shall not (A) constitute property of the state and the plan shall not be construed to be a department, institution or agency of the state, and (B) be commingled with state funds and the state shall have no claim to or against, or interest in, such funds;

(23) Ensuring that any contract entered into by or any obligation of the plan shall not constitute a debt or obligation of the state and the state shall have no obligation to any designated beneficiary or any other person on account of the plan and all amounts obligated to be paid pursuant to the plan shall be limited to amounts available for such obligation;

(24) Ensuring that the plan shall continue in existence as long as it holds any deposits or has any obligations and until its existence is terminated by law and upon termination any unclaimed assets shall return to the state; and

(25) Ensuring that the property utilized in the plan shall be governed by section 3-61a of the general statutes.

House Bill No. 5597

(b) Not later than April 1, 2016, the board shall submit the comprehensive proposal, in accordance with the provisions of section 11-4a of the general statutes, to the General Assembly and to the Governor, the president pro tempore of the Senate and the speaker of the House of Representatives.

Sec. 186. (NEW) (*Effective January 1, 2015*) (a) Any person who has been the victim of sexual abuse, sexual assault or stalking, as described in sections 53a-181c, 53a-181d and 53a-181e of the general statutes, may make an application to the Superior Court for relief under this section, provided such person has not obtained any other court order of protection arising out of such abuse, assault or stalking and does not qualify to seek relief under section 46b-15 of the general statutes.

(b) The application shall be accompanied by an affidavit made by the applicant under oath that includes a statement of the specific facts that form the basis for relief. Upon receipt of the application, if the allegations set forth in the affidavit meet the requirements of subsection (a) of this section, the court shall schedule a hearing not later than fourteen days from the date of the application. If the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any ex parte order that was issued shall remain in effect until the date of such hearing. If the court finds that there are reasonable grounds to believe that the respondent has committed acts constituting grounds for issuance of an order under this section and will continue to commit such acts or acts designed to intimidate or retaliate against the applicant, the court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant. If the court finds that there are reasonable grounds to believe that an imminent danger exists to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of

House Bill No. 5597

the Superior Court or on the Judicial Branch's Internet web site. Such orders may include, but are not limited to, an order enjoining the respondent from: (1) Imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; and (3) entering the dwelling of the applicant.

(c) No order of the court shall exceed one year, except that an order may be extended by the court upon proper motion of the applicant, provided a copy of the motion has been served by a proper officer on the respondent, no other order of protection based on the same facts and circumstances is in place and the need for protection, consistent with subsection (a) of this section, still exists.

(d) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served by a proper officer on the respondent not less than five days before the hearing. The cost of such service shall be paid for by the Judicial Branch. Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the

House Bill No. 5597

town in which the respondent resides. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, not later than forty-eight hours after the issuance of such order. If the applicant is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55 of the general statutes, the clerk of the court shall, upon the request of the applicant, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the applicant is enrolled and the special police force established pursuant to section 10a-142 of the general statutes, if any, at the institution of higher education at which the applicant is enrolled.

(e) An action under this section shall not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

Sec. 187. (NEW) (*Effective January 1, 2015*) (a) A person is guilty of criminal violation of a civil protection order when (1) a civil protection order has been issued against such person pursuant to section 186 of this act, and (2) such person, having knowledge of the terms of the order, violates such order.

(b) Criminal violation of a civil protection order is a class D felony.

Sec. 188. Section 53a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

House Bill No. 5597

(a) A person is guilty of criminal trespass in the first degree when: (1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or (2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-38c, 54-1k, [or] 54-82r or section 186 of this act by the Superior Court; or (3) such person enters or remains in a building or any other premises in violation of a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person; or (4) knowing that such person is not licensed or privileged to do so, such person enters or remains on public land after an order to leave or not to enter personally communicated to such person by an authorized official of the state or a municipality, as the case may be.

(b) Criminal trespass in the first degree is a class A misdemeanor.

Sec. 189. Subsection (a) of section 51-5c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) The Chief Court Administrator shall establish and maintain an automated registry of protective orders that shall contain (1) protective or restraining orders issued by courts of this state, including, but not limited to, orders issued pursuant to sections 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q, [and] 54-82r and section 186 of this act, and (2) foreign orders of protection that have been registered in this state pursuant to section 46b-15a. The registry shall clearly indicate the date of commencement, the termination date, if specified, and the duration of any order contained therein. The Chief Court Administrator shall adopt policies and procedures for the operation of the registry, which

House Bill No. 5597

shall include policies and procedures governing the disclosure of information in the registry to the judges of the Superior Court and employees of the Judicial Department.

Sec. 190. Section 6-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) Each state marshal shall receive each process directed to such marshal when tendered, execute it promptly and make true return thereof; and shall, without any fee, give receipts when demanded for all civil process delivered to such marshal to be served, specifying the names of the parties, the date of the writ, the time of delivery and the sum or thing in demand. If any state marshal does not duly and promptly execute and return any such process or makes a false or illegal return thereof, such marshal shall be liable to pay double the amount of all damages to the party aggrieved.

(b) A civil protective order constitutes civil process for purposes of the powers and duties of a state marshal. The cost of serving a civil protective order shall be paid by the Judicial Branch in the same manner as the cost of serving a restraining order issued pursuant to section 46b-15, and fees and expenses associated with the serving of a civil protective order shall be calculated in accordance with subsection (a) of section 52-261.

Sec. 191. (NEW) (*Effective January 1, 2015*) (a) As used in this section:

(1) "Domestic violence agency" means any office, shelter, host home or agency offering assistance to victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services' criteria of service provision for such agencies.

(2) "Family violence victim advocate" means a person (A) who is employed by and under the control of a direct service supervisor of a

House Bill No. 5597

domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

(b) The Chief Court Administrator shall permit one or more family violence victim advocates to provide services to victims of domestic violence in the Family Division of the Superior Court in one or more judicial districts in the state.

Sec. 192. Subsection (a) of section 17b-245d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) On or before February 1, 2013, and on January first annually thereafter, each federally qualified health center shall file with the Department of Social Services the following documents for the previous state fiscal year: (1) Medicaid cost report; (2) audited financial statements; and (3) any additional information reasonably required by the department. Any federally qualified health center that does not use the state fiscal year as its fiscal year shall have six months from the completion of such health center's fiscal year to file said documents with the department.

Sec. 193. (NEW) (*Effective from passage*) Not later than July 1, 2014, the Commissioner of Social Services shall accept electronic transmission of prescriptions for reimbursements under the medical assistance program for durable medical equipment including, but not

House Bill No. 5597

limited to, wheelchairs, walkers and canes. Any electronic prescription under this section shall be electronically signed by a licensed health care provider with prescriptive authority.

Sec. 194. Subdivision (2) of subsection (a) of section 17b-239 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(2) On or after July 1, 2013, Medicaid rates paid to acute care and children's hospitals shall be based on diagnosis-related groups established and periodically rebased by the Commissioner of Social Services, provided the Department of Social Services completes a fiscal analysis of the impact of such rate payment system on each hospital. The [Commissioner of Social Services] commissioner shall, in accordance with the provisions of section 11-4a, file a report on the results of the fiscal analysis not later than six months after implementing the rate payment system with the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies. The [Commissioner of Social Services] commissioner shall annually determine in-patient rates for each hospital by multiplying diagnostic-related group relative weights by a base rate. Within available appropriations, the commissioner may, in his or her discretion, make additional payments to hospitals based on criteria to be determined by the commissioner. Upon the conversion to a hospital payment methodology based on diagnosis-related groups, the commissioner shall evaluate payments for all hospital services, including, but not limited to, a review of pediatric psychiatric inpatient units within hospitals. The commissioner may, within available appropriations, implement a pay-for-performance program for pediatric psychiatric inpatient care. Nothing contained in this section shall authorize Medicaid payment by the state to any such hospital in excess of the charges made by such hospital for comparable services to

House Bill No. 5597

the general public.

Sec. 195. Subdivision (1) of subsection (h) of section 17b-340 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(h) (1) For the fiscal year ending June 30, 1993, any residential care home with an operating cost component of its rate in excess of one hundred thirty per cent of the median of operating cost components of rates in effect January 1, 1992, shall not receive an operating cost component increase. For the fiscal year ending June 30, 1993, any residential care home with an operating cost component of its rate that is less than one hundred thirty per cent of the median of operating cost components of rates in effect January 1, 1992, shall have an allowance for real wage growth equal to sixty-five per cent of the increase determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, provided such operating cost component shall not exceed one hundred thirty per cent of the median of operating cost components in effect January 1, 1992. Beginning with the fiscal year ending June 30, 1993, for the purpose of determining allowable fair rent, a residential care home with allowable fair rent less than the twenty-fifth percentile of the state-wide allowable fair rent shall be reimbursed as having allowable fair rent equal to the twenty-fifth percentile of the state-wide allowable fair rent. Beginning with the fiscal year ending June 30, 1997, a residential care home with allowable fair rent less than three dollars and ten cents per day shall be reimbursed as having allowable fair rent equal to three dollars and ten cents per day. Property additions placed in service during the cost year ending September 30, 1996, or any succeeding cost year shall receive a fair rent allowance for such additions as an addition to three dollars and ten cents per day if the fair rent for the facility for property placed in service prior to September 30, 1995, is less than or equal to three dollars and ten cents

House Bill No. 5597

per day. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the allowance for real wage growth, as determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, shall not be applied. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the inflation adjustment made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies shall not be applied to real property costs. Beginning with the fiscal year ending June 30, 1997, minimum allowable patient days for rate computation purposes for a residential care home with twenty-five beds or less shall be eighty-five per cent of licensed capacity. Beginning with the fiscal year ending June 30, 2002, for the purposes of determining the allowable salary of an administrator of a residential care home with sixty beds or less the department shall revise the allowable base salary to thirty-seven thousand dollars to be annually inflated thereafter in accordance with section 17-311-52 of the regulations of Connecticut state agencies. The rates for the fiscal year ending June 30, 2002, shall be based upon the increased allowable salary of an administrator, regardless of whether such amount was expended in the 2000 cost report period upon which the rates are based. Beginning with the fiscal year ending June 30, 2000, and until the fiscal year ending June 30, 2009, inclusive, the inflation adjustment for rates made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies shall be increased by two per cent, and beginning with the fiscal year ending June 30, 2002, the inflation adjustment for rates made in accordance with subsection (c) of said section shall be increased by one per cent. Beginning with the fiscal year ending June 30, 1999, for the purpose of determining the allowable salary of a related party, the department shall revise the maximum salary to twenty-seven thousand eight hundred fifty-six dollars to be annually inflated thereafter in accordance with section 17-311-52 of the regulations of Connecticut state agencies and beginning with the fiscal year ending June 30, 2001, such allowable salary shall be computed on an hourly

House Bill No. 5597

basis and the maximum number of hours allowed for a related party other than the proprietor shall be increased from forty hours to forty-eight hours per work week. For the fiscal year ending June 30, 2005, each facility shall receive a rate that is two and one-quarter per cent more than the rate the facility received in the prior fiscal year, except any facility that would have been issued a lower rate effective July 1, 2004, than for the fiscal year ending June 30, 2004, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2004. Effective upon receipt of all the necessary federal approvals to secure federal financial participation matching funds associated with the rate increase provided in subdivision (4) of subsection (f) of this section, but in no event earlier than October 1, 2005, and provided the user fee imposed under section 17b-320 is required to be collected, each facility shall receive a rate that is determined in accordance with applicable law and subject to appropriations, except any facility that would have been issued a lower rate effective October 1, 2005, than for the fiscal year ending June 30, 2005, due to interim rate status or agreement with the department, shall be issued such lower rate effective October 1, 2005. Such rate increase shall remain in effect unless: (A) The federal financial participation matching funds associated with the rate increase are no longer available; or (B) the user fee created pursuant to section 17b-320 is not in effect. For the fiscal year ending June 30, 2007, rates in effect for the period ending June 30, 2006, shall remain in effect until September 30, 2006, except any facility that would have been issued a lower rate effective July 1, 2006, than for the fiscal year ending June 30, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2006. Effective October 1, 2006, no facility shall receive a rate that is more than four per cent greater than the rate in effect for the facility on September 30, 2006, except for any facility that would have been issued a lower rate effective October 1, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective October 1,

House Bill No. 5597

2006. For the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect for the period ending June 30, 2009, shall remain in effect until June 30, 2011, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal year ending June 30, 2011, due to interim rate status or agreement with the department, shall be issued such lower rate, except (i) any facility that would have been issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal year ending June 30, 2011, due to interim rate status or agreement with the Commissioner of Social Services shall be issued such lower rate; and (ii) the commissioner may increase a facility's rate for reasonable costs associated with such facility's compliance with the provisions of section 19a-495a concerning the administration of medication by unlicensed personnel. For the fiscal year ending June 30, 2012, rates in effect for the period ending June 30, 2011, shall remain in effect until June 30, 2012, except that (I) any facility that would have been issued a lower rate for the fiscal year ending June 30, 2012, due to interim rate status or agreement with the Commissioner of Social Services shall be issued such lower rate; and (II) the commissioner may increase a facility's rate for reasonable costs associated with such facility's compliance with the provisions of section 19a-495a concerning the administration of medication by unlicensed personnel. For the fiscal year ending June 30, 2013, the Commissioner of Social Services may, within available appropriations, provide a rate increase to a residential care home. Any facility that would have been issued a lower rate for the fiscal year ending June 30, 2013, due to interim rate status or agreement with the Commissioner of Social Services shall be issued such lower rate. For the fiscal years ending June 30, 2012, and June 30, 2013, the Commissioner of Social Services may provide fair rent increases to any facility that has undergone a material change in circumstances related to fair rent and has an approved certificate of need pursuant to section 17b-352, 17b-353, 17b-354 or 17b-355. For the fiscal years ending June 30, 2014, and June 30, 2015, for those facilities that have a calculated rate greater than the rate in effect for the fiscal

House Bill No. 5597

year ending June 30, 2013, the commissioner may increase facility rates based upon available appropriations up to a stop gain as determined by the commissioner. No facility shall be issued a rate that is lower than the rate in effect on June 30, 2013. Any facility that would have been issued a lower rate for the fiscal year ending June 30, 2014, or the fiscal year ending June 30, 2015, due to interim rate status or agreement with the commissioner, shall be issued such lower rate. For the fiscal year ending June 30, 2015, subject to available appropriations, the commissioner may, at the commissioner's discretion: Increase the inflation cost limitation under subsection (c) of section 17-311-52 of the regulations of Connecticut state agencies, provided such inflation allowance factor does not exceed a maximum of five per cent; establish a minimum rate of return applied to real property of five per cent inclusive of assets placed in service during cost year 2013; waive the standard rate of return under subsection (f) of section 17-311-52 of the regulations of Connecticut state agencies for ownership changes or health and safety improvements that exceed one hundred thousand dollars and that are required under a consent order from the Department of Public Health; and waive the rate of return adjustment under subsection (f) of section 17-311-52 of the regulations of Connecticut state agencies to avoid financial hardship.

Sec. 196. Section 12-412 of the 2014 supplement to the general statutes is amended by adding subdivision (120) as follows (*Effective July 1, 2016, and applicable to sales occurring on or after said date*):

(NEW) (120) Sales of tangible personal property or services to, and the storage, use or other consumption of tangible personal property or services by, a Connecticut credit union, as defined in section 36a-2.

Sec. 197. (NEW) (*Effective July 1, 2014*) (a) For purposes of this section:

(1) "Contextualized learning" means education in a learning

House Bill No. 5597

environment chosen or designed by educators to incorporate as many different forms of experience as possible, including social, cultural, physical and psychological experiences, to achieve the desired learning outcomes;

(2) "Early college high school" means a school in which persons who are underrepresented in higher education, including, but not limited to, low-income youth, first-generation college students, English language learners and minority students, may simultaneously earn, tuition free, a high school diploma and an associate degree or up to two years of credit toward a bachelor degree; and

(3) "Middle college program" means a collaboration between a school district's high schools and a regional-community technical college or a four-year college or university where a student may (A) take core high school courses or courses for which college or university-level credit may be given, and (B) attribute all such credits earned toward a program of higher learning at an institution of higher education in which such student enrolls upon graduation from the middle college program.

(b) The Connecticut Employment and Training Commission shall develop, in collaboration with the regional work force development boards established pursuant to section 31-3j of the general statutes, a state-wide plan for implementing, expanding or improving upon contextualized learning programs, career certificate programs established under section 10-20a of the general statutes, middle college programs and early college high school programs to provide education, training and placement in jobs available in the manufacturing, health care, construction and green industries and other emerging sectors of the state's economy. Such plan shall include a proposal to fund such programs.

(c) Not later than January 1, 2015, the Connecticut Employment and

House Bill No. 5597

Training Commission shall report, in accordance with the provisions of section 11-4a of the general statutes, on the plan developed under subsection (b) of this section, to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement. Not later than September 1, 2015, and annually thereafter, said commission shall report, in accordance with the provisions of section 11-4a of the general statutes, on the status of such programs to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement.

Sec. 198. (*Effective from passage*) (a) The Commission on Children shall, within available appropriations, establish a two-generational school readiness plan to promote long-term learning and economic success for low-income families by addressing intergenerational barriers to school readiness and workforce readiness with high-quality preschool, intensified workforce training and targeted education, coupled with related support services. Such plan shall include recommendations for: (1) Promoting and prioritizing access to high-quality early childhood programs for children ages birth to five years who are living at or below one hundred eighty-five per cent of the federal poverty level; (2) providing the parents of such children with (A) the opportunity to acquire their high school diplomas, (B) adult education, and (C) technical skills to increase their employability and sustainable employment; and (3) funding for implementation of the plan, including, but not limited to, use of the temporary assistance for needy families program and other federal, state and private funding.

(b) On or before December 1, 2014, the executive director of the Commission on Children shall report to the joint standing committees of the General Assembly having cognizance of matters relating to children, education, workforce development and appropriations and the budgets of state agencies, in accordance with the provisions of

House Bill No. 5597

section 11-4a of the general statutes, on the plan.

Sec. 199. (NEW) (*Effective July 1, 2014*) (a) The Department of Education, the Board of Regents for Higher Education, and the Board of Trustees for The University of Connecticut, in consultation with the Department of Banking, may develop a plan to provide to each student of a public high school or a constituent unit, as defined in section 10a-1 of the general statutes, instruction in financial literacy, including, but not limited to, the impact of using credit cards and debit cards. Upon development and implementation of such plan, such instruction may occur during a student's final year of high school and, for a student of a constituent unit, not later than such student's completion of his or her second semester at such constituent unit.

(b) The Department of Education, the Board of Regents for Higher Education and the Board of Trustees for The University of Connecticut, shall work with the Department of Banking to leverage any available federal, state or private funds to implement the plan developed pursuant to subsection (a) of this section.

(c) Not later than January 1, 2015, the Commissioner of Education, the president of the Board of Regents for Higher Education, the chairperson of the Board of Trustees for The University of Connecticut and the Banking Commissioner shall report to the joint standing committee of the General Assembly having cognizance of matters relating to banks on the status of the plan described in subsection (a) of this section.

Sec. 200. Section 25-33j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The Commissioner of Public Health may enter into contracts with consultants to provide services to water utility coordinating committees. The amount of any contract shall not exceed two hundred

House Bill No. 5597

fifty thousand dollars. Any appropriation made to the Department of Public Health for the purposes of this section shall not lapse until [The] the Department of Public Health has completed the planning process for a water utility coordinating committee.

Sec. 201. Section 42-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

As used in sections 42-295 to 42-300, inclusive, and section 202 of this act:

(1) "Advertise" means the use of the media, mail, computer, telephone or personal contact to offer: (A) [to] To a specifically named person the opportunity to participate in a sweepstakes and such offer represents that (i) such person has been awarded a prize, (ii) such person will be awarded a prize, or (iii) there is a strong likelihood, as determined pursuant to regulations adopted by the Commissioner of Consumer Protection in accordance with chapter 54, that such person will be awarded a prize; or (B) a game of skill and such offer represents that (i) a participant will be awarded a prize, or (ii) there is a strong likelihood, as determined pursuant to such regulations, that a participant will be awarded a prize;

(2) "Consumer product" means any article used primarily for personal, family or household purposes;

(3) "Person" means an individual, corporation, association, partnership or any other entity;

(4) "Prize" includes, but is not limited to, an award, gift certificate, travel coupon or anything else of value regardless of whether there are any conditions or restrictions attached to the receipt of the prize that is separate and distinct from the goods, services or property promoted by the sponsor and that is offered or awarded to a participant in a sweepstakes or a promotional drawing;

House Bill No. 5597

(5) "Promoter" means a person conducting a sweepstakes or a promotional drawing on behalf of a sponsor;

(6) "Simulated check" means a document which looks similar to a check but is not currency or a check, draft, note, bond or other negotiable instrument;

(7) "Sponsor" means a person [on whose behalf the sweepstakes is being] whose primary business is the sale of goods, services or property and who authorizes a sweepstakes or a promotional drawing to be conducted to promote or advertise goods, [or] services or property of that person;

(8) "Sweepstakes" means a legal contest, competition, scheme, plan or game that (A) is conducted by a sponsor or promoter for advertising or promotional purposes related to the sale of goods, services or property where a prize is distributed by lot or by chance, and (B) does not require a permit or license to operate in the state;

(9) "Verifiable retail value" means: (A) A price at which a substantial number of the prizes have sold at retail in the local market no earlier than one year prior to the advertisement of the sweepstakes by a person other than the promoter or sponsor; (B) if the prize is not available for retail sale in the local market, the retail value of an item substantially similar to the prize in quality, quantity, grade and utility; or (C) if the value cannot be established under subparagraph (A) or (B) of this subdivision, no more than three times the cost of the prize to the promoter or sponsor; [and]

(10) "800 number" means a prefixed telephone number for which no charge is assessed;

(11) "Simulated gambling device" means any mechanically, electrically or electronically operated machine, network, system or device that (A) is intended to be used by an entrant to a sweepstakes or

House Bill No. 5597

a promotional drawing, (B) displays a simulated gambling display on a screen or mechanism, and (C) is owned, leased or otherwise possessed by a sponsor or a promoter, or any partners, affiliates, subsidiaries or contractors thereof; and

(12) "Simulated gambling display" means visual or aural information that takes the form of actual or simulated gambling or gaming play, including, but not limited to, a video poker game or any other kind of video playing card game, a video slot machine, a video game based on or involving the random or chance matching of different pictures, words, numbers or symbols, a video bingo game, a video craps game, a video keno game or a video lotto game.

Sec. 202. (NEW) (*Effective July 1, 2014*) (a) No person shall conduct or promote a sweepstakes or a promotional drawing authorized by the provisions of section 53-278g of the general statutes that (1) is not related to the bona fide sale of goods, services or property, or (2) uses a simulated gambling device.

(b) Any person who violates the provisions of this section shall be subject to the penalty for professional gambling, as provided in subsection (b) of section 53-278b of the general statutes.

(c) Any simulated gambling device used in a sweepstakes or a promotional drawing shall be deemed a common nuisance and be subject to seizure, as provided in section 53-278c of the general statutes.

(d) Any premises used for a sweepstakes or a promotional drawing in violation of the provisions of this section shall be deemed a common nuisance and shall be subject to the provisions in section 53-278e of the general statutes.

(e) Nothing in this section shall be construed to prohibit a retail grocery chain from conducting or promoting a sweepstakes that uses a

House Bill No. 5597

simulated gambling device, provided such sweepstakes is related to the sale of groceries, the prize is not redeemed or redeemable for cash and the prize is only used as a discount to reduce the price of items purchased from such retail grocery chain. For the purposes of this section, "retail grocery chain" means an operator or franchisor of five or more retail establishments whose primary business is the sale of groceries.

Sec. 203. Subsection (a) of section 53-278g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Nothing in sections 53-278a to 53-278g, inclusive, shall be construed to prohibit the publication of an advertisement of, or the operation of, or participation in, a state lottery, pari-mutuel betting at race tracks licensed by the state, off-track betting conducted by the state or a licensee authorized to operate the off-track betting system, [or] a promotional drawing for a prize or prizes, conducted for advertising purposes by any person, firm or corporation other than a retail grocer or retail grocery chain, wherein members of the general public may participate without making any purchase or otherwise paying or risking credit, money, or any other tangible thing of value or a sweepstakes conducted pursuant to sections 42-295 to 42-300, inclusive, and section 202 of this act.

Sec. 204. Section 19a-308 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) In any town in which there is a burial ground or cemetery containing more than six places of interment and not under the control or management of any currently functioning cemetery association, [which] that has been neglected and allowed to grow up to weeds, briars and bushes, or about which the fences have become broken, decayed or dilapidated, the selectmen of such town may [annually]

House Bill No. 5597

cause such burial ground or cemetery to be cleared of weeds, briars and bushes, may mow the ground's lawn areas and may cause its fences or walls to be repaired and kept in orderly and decent condition and its memorial stones to be straightened.

(b) No municipality or employee, officer or agent of a municipality shall be civilly or criminally liable for undertaking the care and maintenance of a burial ground or cemetery, as described in subsection (a) of this section.

Sec. 205. (NEW) (*Effective October 1, 2014*) (a) There is established an account to be known as the "neglected cemetery 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 Office of Policy and Management for the purposes of municipal maintenance of neglected burial grounds and cemeteries, as described in section 19a-308 of the general statutes.

(b) Each municipality may apply for moneys in the account established pursuant to this section on a form and in such manner as prescribed by the Secretary of the Office of Policy and Management.

Sec. 206. Section 7-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The fee for a certification of birth registration, short form, shall be fifteen dollars. The fee for a certified copy of a certificate of birth, long form, shall be twenty dollars, except that the fee for such certifications and copies when issued by the department shall be thirty dollars.

(b) (1) The fee for a certified copy of a certificate of marriage or death shall be twenty dollars. Such fees shall not be required of the department.

House Bill No. 5597

(2) Any fee received by the Department of Public Health for a certificate of death shall be deposited in the neglected cemetery account, established in accordance with section 205 of this act.

(c) The fee for one certified copy of a certificate of death for any deceased person who was a veteran, as defined in subsection (a) of section 27-103, shall be waived when such copy is requested by a spouse, child or parent of such deceased veteran.

Sec. 207. (*Effective from passage*) Sections 1 to 13, inclusive, of public act 14-84 shall take effect January 1, 2015.

Sec. 208. Subsection (a) of section 16-245l of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Public Utilities Regulatory Authority shall establish and each electric distribution company shall collect a systems benefits charge to be imposed against all end use customers of each electric distribution company beginning January 1, 2000. The authority shall hold a hearing that shall be conducted as a contested case in accordance with chapter 54 to establish the amount of the systems benefits charge. The authority may revise the systems benefits charge or any element of said charge as the need arises. Commencing on July 1, 2014, and annually thereafter, the sum of one million one hundred thousand dollars shall be transferred from the systems benefit charge to Operation Fuel, Incorporated, for energy assistance, provided one hundred thousand dollars of such sum may be used for administrative purposes. The systems benefits charge shall also be used to fund (1) the expenses of the public education outreach program developed under section 16-244d other than expenses for authority staff, (2) the cost of hardship protection measures under sections 16-262c and 16-262d and other hardship protections, including, but not limited to, electric service bill payment programs, funding and technical support for

House Bill No. 5597

energy assistance, fuel bank and weatherization programs and weatherization services, (3) the payment program to offset tax losses described in section 12-94d, (4) any sums paid to a resource recovery authority pursuant to subsection (b) of section 16-243e, (5) low income conservation programs approved by the Public Utilities Regulatory Authority, (6) displaced worker protection costs, (7) unfunded storage and disposal costs for spent nuclear fuel generated before January 1, 2000, approved by the appropriate regulatory agencies, (8) postretirement safe shutdown and site protection costs that are incurred in preparation for decommissioning, (9) decommissioning fund contributions, (10) operating expenses for the Connecticut Energy Advisory Board, (11) costs associated with the Connecticut electric efficiency partner program established pursuant to section 16-243v, (12) reinvestments and investments in energy efficiency programs and technologies pursuant to section 16a-38l, costs associated with the electricity conservation incentive program established pursuant to section 119 of public act 07-242, (13) legal, appraisal and purchase costs of a conservation or land use restriction and other related costs as the authority in its discretion deems appropriate, incurred by a municipality on or before January 1, 2000, to ensure the environmental, recreational and scenic preservation of any reservoir located within this state created by a pump storage hydroelectric generating facility, and (14) the residential furnace and boiler replacement program pursuant to subsection (k) of section 16-243v. As used in this subsection, "displaced worker protection costs" means the reasonable costs incurred, prior to January 1, 2008, (A) by an electric supplier, exempt wholesale generator, electric company, an operator of a nuclear power generating facility in this state or a generation entity or affiliate arising from the dislocation of any employee other than an officer, provided such dislocation is a result of (i) restructuring of the electric generation market and such dislocation occurs on or after July 1, 1998, or (ii) the closing of a Title IV source or an exempt wholesale generator, as defined in 15 USC 79z-5a, on or after January 1, 2004, as a

House Bill No. 5597

result of such source's failure to meet requirements imposed as a result of sections 22a-197 and 22a-198 and this section or those Regulations of Connecticut State Agencies adopted by the Department of Energy and Environmental Protection, as amended from time to time, in accordance with Executive Order Number 19, issued on May 17, 2000, and provided further such costs result from either the execution of agreements reached through collective bargaining for union employees or from the company's or entity's or affiliate's programs and policies for nonunion employees, and (B) by an electric distribution company or an exempt wholesale generator arising from the retraining of a former employee of an unaffiliated exempt wholesale generator, which employee was involuntarily dislocated on or after January 1, 2004, from such wholesale generator, except for cause. "Displaced worker protection costs" includes costs incurred or projected for severance, retraining, early retirement, outplacement, coverage for surviving spouse insurance benefits and related expenses.

Sec. 209. Section 10a-157a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) For purposes of sections 10a-157a to 10a-157c, inclusive: (1) "Connecticut's P-20 Council" means the state-wide council of educators, business leaders and civic officials formed by Executive Order Number 2A by Governor M. Jodi Rell in 2009 to build stronger ties among educators and policymakers at all levels of education in this state, from preschool to graduate school; and (2) "public institution of higher education" means those constituent units identified in subdivisions (2) and (3) of section 10a-1.

(b) Not later than the start of the fall semester of 2014 for the Connecticut State University System and not later than the start of the fall semester of 2015 for the regional-community technical colleges, and for each semester thereafter, if a public institution of higher education determines, by use of multiple commonly accepted

House Bill No. 5597

measures of skill level, that a student is likely to succeed in college level work with supplemental support, the public institution of higher education shall offer such student remedial support that is embedded with the corresponding entry level course in a college level program. Such embedded support shall be offered during the same semester as and in conjunction with the entry level course for purposes of providing the student with supplemental support in the entry level course.

(c) Not later than the start of the fall semester of 2015 and for each semester thereafter, if a public institution of higher education determines, by use of multiple commonly accepted measures of skill level, that a student is below the skill level required for success in college level work with supplemental support, the public institution of higher education shall offer such student one intensive semester of remedial support that (1) is designed to provide such student with the knowledge and skills necessary to be placed in an entry level course in a college level program, and (2) such student may repeat subject to the public institution of higher education's course repeat policy provided that such policy shall not prohibit a minimum of one repeat attempt.

[(c)] (d) Not later than the start of the fall semester of [2014] 2015 and for each semester thereafter, if a public institution of higher education determines, by use of multiple commonly accepted measures of skill level, that a student is below the skill level required for success in [college level work] an intensive semester of remedial support, the public institution of higher education shall offer such student the opportunity to participate in [an intensive] a transitional college readiness program before the start of the next semester. Such student shall complete such [intensive] transitional college readiness program prior to receiving embedded remedial support, as provided in subsection (b) of this section or intensive remedial support, as provided in subsection (c) of this section. The Board of Regents for

House Bill No. 5597

Higher Education, in consultation with Connecticut's P-20 Council and the faculty advisory committee to the Board of Regents for Higher Education, shall develop options for [an intensive] a transitional college readiness program.

[(d)] (e) Not later than the start of the fall semester of 2014 for the Connecticut State University System and not later than the start of the fall semester of 2015 for the regional-community technical colleges, and for each semester thereafter, [no] each public institution of higher education shall offer [any] only remedial support, including remedial courses, that is [not embedded with the corresponding entry level course, as required pursuant to subsection (b) of this section, or offered as part of an intensive college readiness program, except such institution may offer a student a maximum of one semester of remedial support that is not embedded, provided (1) such support is intended to advance such student toward earning a degree, and (2) the program of remedial support is approved by the Board of Regents for Higher Education] authorized pursuant to subsections (b), (c) and (d) of this section.

(f) In accordance with subsection (d) of this section and subsection (a) of section 10-69, the Board of Regents for Higher Education may enter into a memorandum of understanding with the State Department of Education for the purpose of delivering a transitional college readiness program that will enable adults to enroll directly in a program of higher learning, as defined in section 10a-34, at an institution of higher education upon completion of such program.

[(e)] (g) Not later than the start of the fall semester of 2014, the Board of Regents for Higher Education, in consultation with Connecticut's P-20 Council, shall report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to higher education regarding (1) its recommendations concerning the successful

House Bill No. 5597

transition of adults returning to or first enrolling in a higher education program at a public institution of higher education after spending time in the workforce, and (2) the application of the provisions of sections 10a-157a to 10a-157c, inclusive, to each higher education program for hearing impaired or deaf students offered by a public institution of higher education.

Sec. 210. (*Effective from passage*) The amount of \$635,000 appropriated to the Department of Veterans' Affairs, for SSMF Administration, for the fiscal year ending June 30, 2015, shall not be reduced during said fiscal year.

Sec. 211. (*Effective July 1, 2014*) (a) Notwithstanding the provisions of section 31-3mm of the general statutes, the sum of \$1,000,000 appropriated in section 1 of public act 13-247, as amended by section 1 of public act 14-47, for the fiscal year ending June 30, 2015, to the Labor Department, for Connecticut's Youth Employment Program, shall be distributed as follows through the Workforce Investment Boards: To Waterbury, in an amount up to \$143,000; to Meriden, in an amount up to \$71,000; to Bridgeport, in an amount up to \$164,000; to Stamford, in an amount up to \$123,000; to New Britain, in an amount up to \$87,000; to East Hartford, in an amount up to \$65,000; to Hartford, in an amount up to \$172,000; to New Haven, in an amount up to \$149,000; and to Windham, in an amount up to \$26,000, for youth employment programs during the fiscal year ending June 30, 2015. Each Workforce Investment Board may use not more than five per cent of the funds it distributes under this subsection for administrative costs.

(b) On or before January 1, 2015, each Workforce Investment Board shall submit a report, in accordance with 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 concerning the use of funds distributed by such board under subsection (a) of this section. Each report shall

House Bill No. 5597

include the following: (1) How many youths were served by each municipality receiving funds, (2) the types of employment in which participating youths were engaged, (3) the ages of those served, and (4) the employment retention rate for participating youths.

Sec. 212. (NEW) (*Effective October 1, 2014*) (a) Not later than February 1, 2015, the Commissioner of Economic and Community Development shall establish and administer a program to promote and support the development of bioscience and biotechnology businesses in the Southeastern Connecticut Planning Region designated pursuant to section 16a-4a of the general statutes. The commissioner shall develop such program in consultation with Connecticut Innovations, Incorporated, Connecticut United for Research Excellence, Inc., the Southeastern Connecticut Enterprise Region, the Chamber of Commerce of Eastern Connecticut and other organizations in the region with experience in the formation of or assistance to start-up businesses, fundraising, networking and marketing. Such program shall include:

(1) Outreach efforts to entrepreneurs, regional community and business leaders and experts in the bioscience and biotechnology fields to determine the needs and objectives of such individuals, and to inform such individuals of state programs and resources to assist in the formation of bioscience and biotechnology businesses in said planning region;

(2) A marketing plan for bioscience and biotechnology development in said planning region, including: (A) An identification of assets, including the facilities and talent pool located in said planning region, (B) marketing tools to advertise such assets, (C) goals for such marketing plan, and (D) a timetable and budget for such marketing plan; and

(3) A working group that shall consist of not less than ten nor more

House Bill No. 5597

than fifteen business and community leaders from said planning region to (A) encourage networking and planning between professionals from different fields, (B) support the development and occupancy of the incubator at CURE Innovation Commons, (C) assess the program established pursuant to this section, and (D) make recommendations to the commissioner concerning the development and implementation of such program; and

(c) Not later than February 1, 2017, the commissioner shall include in the annual report, pursuant to section 32-1m of the general statutes, a report on the program established pursuant to this section.

Sec. 213. (*Effective Deleted*)

Sec. 214. (*Effective from passage*) Notwithstanding the provisions of subparagraph (A) of subdivision (2) of subsection (c) of section 4-28e of the general statutes, on or before June 30, 2014, the sum of \$1,000,000 shall be transferred from the Tobacco and Health Trust Fund, established under section 4-28f of the general statutes, and credited to the resources of the General Fund for the fiscal year ending June 30, 2015.

Sec. 215. Section 33 of public act 14-47 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Notwithstanding the provisions of subparagraph [(B)] (A) of subdivision (2) of subsection (c) of section 4-28e of the general statutes, the sum of \$3,000,000 shall be transferred from the Tobacco and Health Trust Fund, established under section 4-28f of the general statutes, and credited to the resources of the General Fund for the fiscal year ending June 30, 2015.

Sec. 216. Section 109 of public act 13-184, as amended by section 32 of public act 14-47, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

House Bill No. 5597

[(a)] Notwithstanding the provisions of subdivision (2) of subsection (c) of section 4-28e of the general statutes, as amended by public act 13-184, the sum of [~~\$4,500,000~~] \$3,500,000 shall be transferred from the Tobacco and Health Trust Fund, established under section 4-28f of the general statutes, and credited to the resources of the General Fund for the fiscal year ending June 30, 2014.

[(b)] Notwithstanding the provisions of subparagraph (B) of subdivision (2) of subsection (c) of section 4-28e of the general statutes, the sum of \$1,000,000 shall be transferred from the Tobacco and Health Trust Fund, established under section 4-28f of the general statutes, and credited to the resources of the General Fund for the fiscal year ending June 30, 2015.]

Sec. 217. (*Effective from passage*) Section 37 of public act 14-47 shall take effect from its passage.

Sec. 218. (*Effective from passage*) Section 38 of public act 14-47 shall take effect from its passage.

Sec. 219. (*Effective from passage*) (a) Any municipality in New Haven county with a population of less than sixty-five thousand, using population information from the most recent federal decennial census, that issues pension deficit funding bonds, in accordance with the provisions of section 7-374c of the general statutes, on or before June 30, 2015, shall comply with the provisions of said section 7-374c as to such pension deficit funding bonds except that the actuarially recommended contribution shall be determined as follows:

(1) For the fiscal year in which the pension deficit funding bonds are issued, the actuarially recommended contribution shall be not less than fifty per cent of the contribution required by section 7-374c of the general statutes;

(2) For the fiscal year subsequent to the fiscal year in which the

House Bill No. 5597

pension deficit funding bonds are issued, the actuarially recommended contribution shall be fifty-five per cent of the contribution required by section 7-374c of the general statutes or an amount equal to five million dollars more than the contribution made pursuant to subdivision (1) of this subsection, whichever is less;

(3) For the second fiscal year subsequent to the fiscal year in which the pension deficit funding bonds are issued, the actuarially recommended contribution shall be seventy per cent of the contribution required by section 7-374c of the general statutes or an amount equal to five million dollars more than the contribution made pursuant to subdivision (2) of this subsection, whichever is less;

(4) For the third fiscal year subsequent to the fiscal year in which the pension deficit funding bonds are issued, the actuarially recommended contribution shall be eighty per cent of the contribution required by section 7-374c of the general statutes or an amount equal to five million dollars more than the contribution made pursuant to subdivision (3) of this subsection, whichever is less; and

(5) For the fourth fiscal year subsequent to the fiscal year in which the pension deficit funding bonds are issued and for each fiscal year thereafter, the actuarially recommended contribution shall be made in accordance with the provisions of section 7-374c of the general statutes.

(b) If the municipality issuing pension deficit funding bonds pursuant to this section fails to meet the actuarially recommended contribution in any fiscal year, the Municipal Finance Advisory Commission may require the chief fiscal officer or the chief executive official of the municipality to appear before said commission.

Sec. 220. Section 17b-28e of the 2014 supplement to the general statutes is amended by adding subsection (c) as follows (*Effective July 1, 2014*):

House Bill No. 5597

(NEW) (c) Not later than October 1, 2014, the Commissioner of Social Services shall amend the Medicaid state plan to include services provided by the following licensed behavioral health clinicians in independent practice to Medicaid recipients who are twenty-one years of age or older: (1) Psychologists licensed under chapter 383, (2) clinical social workers licensed under subsection (c) or (e) of section 20-195n, (3) alcohol and drug counselors licensed under section 20-74s, (4) professional counselors licensed under sections 20-195cc and 20-195dd, and (5) marital and family therapists licensed under section 20-195c. The commissioner shall include such services as optional services covered under the Medicaid program and provide direct Medicaid reimbursements to such licensed behavioral health clinicians who are enrolled as Medicaid providers and who treat such Medicaid recipients in independent practice settings. The commissioner may implement policies and procedures necessary to implement this subsection in advance of regulations, provided the commissioner prints notice of intent to adopt the regulations in accordance with section 17b-10 not later than twenty days after the date of implementation of such policies and procedures. Such policies and procedures shall be valid until the time final regulations are adopted.

Sec. 221. Section 10a-156b of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There are established special police forces for The University of Connecticut at Storrs and its several campuses, including The University of Connecticut Health Center in Farmington, and for Central Connecticut State University in New Britain, Southern Connecticut State University in New Haven, Eastern Connecticut State University in Willimantic and Western Connecticut State University in Danbury. The members of each special police force shall have the same duties, responsibilities and authority under sections 7-281, 14-8, 54-1f

House Bill No. 5597

and 54-33a and title 53a as members of a duly organized local police department. The jurisdiction of said special police forces shall extend to the geographical limits of the property owned or under the control of the above institutions, and to property occupied by The University of Connecticut in the town of Mansfield, except as provided in subsection (b) of section 7-277a.

(b) Members of [said] the special police forces shall continue to be state employees and shall be subject to the provisions of chapter 67, and parts II and III [and IV] of this chapter. The provisions of part V of chapter 104 and section 7-433c shall not apply to such members.

(c) Notwithstanding the provisions of subsection (b) of this section, positions in the special police forces for The University of Connecticut at Storrs and its several campuses and The University of Connecticut Health Center in Farmington shall be unclassified in state service and shall not be subject to the provisions of section 5-206, section 5-208 and subsection (b) of section 5-200a. The positions held by such special police forces shall be within the bargaining unit that represents protective services employees and shall not be severed.

(d) The president of The University of Connecticut shall establish classifications for the special police forces positions for The University of Connecticut at Storrs and its several campuses, including The University of Connecticut Health Center in Farmington, using objective job-related criteria, including, but not limited to: (1) Knowledge and skill required to carry out the duties of each position, (2) mental and physical effort required to carry out the duties of each position, and (3) the level of accountability assigned to each position. The president shall establish and administer all necessary examinations for such special police forces.

[(c) Said] (e) The special police [forces] force for any institution listed in subsection (a) of this section shall have access to, and use of,

House Bill No. 5597

the Connecticut on-line law enforcement communications teleprocessing system without charge.

[(d)] (f) The chief executive officer of any institution listed in subsection (a) of this section which maintains a special police force may enter into an agreement with one or more of said other institutions which maintain a special police force to furnish or receive police assistance under the same conditions and terms specified in subsection (a) of section 7-277a.

[(e)] (g) The state shall protect and save harmless any member of the special police [forces] force for any institution listed in subsection (a) of this section from financial loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of the alleged deprivation by such member of any person's civil rights, which deprivation was not wanton, reckless or malicious, provided such member, at the time of such acts resulting in such alleged deprivation, was acting in the discharge of such member's duties or within the scope of such member's employment or under the direction of a superior officer.

[(f)] (h) Reasonable legal fees and costs incurred as a result of the retention, by any member of the special police [forces] force for any institution listed in subsection (a) of this section, of an attorney to represent such member's interests in any action referred to in subsection [(e)] (g) of this section shall be borne by the state in those cases in which (1) such member is ultimately found not to have acted in a wanton, reckless or malicious manner, or (2) no punitive damages are ultimately assessed against such member.

Sec. 222. (*Effective from passage*) The provisions of chapter 126a of the general statutes shall not be applicable for a term beginning on January 1, 2014, and ending on December 31, 2014, to any application filed or appeal that is pending in a municipality in which (1) at least six per

House Bill No. 5597

cent of all dwelling units qualify for inclusion on the list prepared by the Commissioner of Housing pursuant to said chapter 126a and required to be submitted in the report prepared by said commissioner pursuant to section 8-37qqq of the general statutes; and (2) (A) the commission, as defined in chapter 126a, approved an application filed pursuant to said chapter 126a on or after November 1, 2013, (B) the commission denied an application filed pursuant to said chapter 126a and such application is the subject of an appeal that is pending as of April 1, 2014, and (C) the commission is considering an application filed pursuant to said chapter 126a as of April 15, 2014.

Sec. 223. Subdivision (5) of section 12-412 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(5) (A) Sales of tangible personal property or services to and by nonprofit charitable hospitals in this state, nonprofit nursing homes, nonprofit rest homes and nonprofit residential care homes licensed by the state pursuant to chapter 368v for the exclusive purposes of such institutions except any such service transaction as described in subparagraph (EE) of subdivision (37) of subsection (a) of section 12-407.

(B) Sales of tangible personal property by any organization that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and that the United States Treasury Department has expressly determined, by letter, to be an organization that is described in Section 501(c)(3) of said internal revenue code, which sales are made on the premises of a hospital.

(C) [Sales] For the fiscal years ending June 30, 2015, to June 30, 2017, inclusive, the sales of tangible personal property or services to and by

House Bill No. 5597

an acute care [, for-profit] hospital, operating as [an acute care, for-profit hospital as of May 12, 2004, for the purposes of such institution in connection with the constructing and equipping of any facility of such hospital for which a certificate of need was filed before, and is pending on, May 12, 2004] a sole community hospital in this state for the exclusive purposes of such sole community hospital. For purposes of this subparagraph, "sole community hospital" has the same meaning as "sole community hospital", as described in 42 CFR 412.92, as amended from time to time.

Sec. 224. Subsection (c) of section 17b-749 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(c) The commissioner shall establish eligibility and program standards including, but not limited to: (1) A priority intake and eligibility system with preference given to serving (A) recipients of temporary family assistance who are employed or engaged in employment activities under the department's "Jobs First" program, (B) working families whose temporary family assistance was discontinued not more than five years prior to the date of application for the child care subsidy program, (C) teen parents, (D) low-income working families, (E) adoptive families of children who were adopted from the Department of Children and Families and who are granted a waiver of income standards under subdivision (2) of subsection (b), [and] (F) working families who are at risk of welfare dependency, and (G) any household with a child or children participating in the Early Head Start - Child Care Partnership federal grant program for a period of up to twelve months based on Early Head Start eligibility criteria; (2) health and safety standards for child care providers not required to be licensed; (3) a reimbursement system for child care services which account for differences in the age of the child, number of children in the family, the geographic region and type of care provided by

House Bill No. 5597

licensed and unlicensed caregivers, the cost and type of services provided by licensed and unlicensed caregivers, successful completion of fifteen hours of annual in-service training or credentialing of child care directors and administrators, and program accreditation; (4) supplemental payment for special needs of the child and extended nontraditional hours; (5) an annual rate review process for providers which assures that reimbursement rates are maintained at levels which permit equal access to a variety of child care settings; (6) a sliding reimbursement scale for participating families; (7) an administrative appeals process; (8) an administrative hearing process to adjudicate cases of alleged fraud and abuse and to impose sanctions and recover overpayments; (9) an extended period of program and payment eligibility when a parent who is receiving a child care subsidy experiences a temporary interruption in employment or other approved activity; and (10) a waiting list for the child care subsidy program that reflects the priority and eligibility system set forth in subdivision (1) of this subsection, which is reviewed periodically, with the inclusion of this information in the annual report required to be issued annually by the Department of Social Services to the Governor and the General Assembly in accordance with subdivision (10) of section 17b-733. Such action will include, but not be limited to, family income, age of child, region of state and length of time on such waiting list.

Sec. 225. Subsection (a) of section 12-451 of the general statutes, as amended by section 49 of public act 14-47, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) There is hereby imposed a tax of ten per cent of the admission charge to any place of amusement, entertainment or recreation, except that no tax shall be imposed with respect to any admission charge (1) when the admission charge is less than one dollar or, in the case of any motion picture show, when the admission charge is not more than five

House Bill No. 5597

dollars, (2) when a daily admission charge is imposed which entitles the patron to participate in an athletic or sporting activity, (3) to any event, other than events held at the stadium facility, as defined in section 32-651, if all of the proceeds from the event inure exclusively to an entity which is exempt from federal income tax under the Internal Revenue Code, provided such entity actively engages in and assumes the financial risk associated with the presentation of such event, (4) to any event, other than events held at the stadium facility, as defined in section 32-651, which, in the opinion of the commissioner, is conducted primarily to raise funds for an entity which is exempt from federal income tax under the Internal Revenue Code, provided the commissioner is satisfied that the net profit which inures to such entity from such event will exceed the amount of the admissions tax which, but for this subdivision, would be imposed upon the person making such charge to such event, (5) other than for events held at the stadium facility, as defined in section 32-651, paid by centers of service for elderly persons, as described in subdivision (d) of section 17b-425, (6) to any production featuring live performances by actors or musicians presented at Gateway's Candlewood Playhouse, Ocean Beach Park or any nonprofit theater or playhouse in the state, provided such theater or playhouse possesses evidence confirming exemption from federal tax under Section 501 of the Internal Revenue Code, (7) to any carnival or amusement ride, (8) to any interscholastic athletic event held at the stadium facility, as defined in section 32-651, (9) if the admission charge would have been subject to tax under the provisions of section 12-542 of the general statutes, revision of 1958, revised to January 1, 1999, or (10) to any event at (A) the XL Center in Hartford, or (B) the Webster Bank Arena in Bridgeport. On and after July 1, 2000, the tax imposed under this section on any motion picture show shall be eight per cent of the admission charge and, on and after July 1, 2001, the tax imposed on any such motion picture show shall be six per cent of such charge.

House Bill No. 5597

Sec. 226. Section 22a-1f of the general statutes is amended by adding subsection (d) as follows (*Effective from passage*):

(NEW) (d) Notwithstanding section 22a-1b, any environmental impact evaluation completed for proposed improvements for the Rentschler Field Development shall be deemed to include any industrial reinvestment project, as defined in subdivision (8) of subsection (a) of section 1 of public act 14-2, including, but not limited to, any such planned or proposed project, any segment of such project and any state-certified industrial reinvestment project, as defined in subdivision (12) of subsection (a) of section 1 of public act 14-2.

Sec. 227. Subdivision (3) of subsection (b) of section 17b-706b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) The provisions of section 5-280 shall not apply to personal care attendants. An agreement or award reached pursuant to this section may include provisions calling for the state or its fiscal intermediary to deduct from reimbursement payments the regular dues, fees and assessments that a member is charged and nonmember service fees limited to the lesser of dues and initiation fees required of members or the proportionate share of expenses incident to collective bargaining. Dues or fees may be charged only with respect to earnings from participation in the [waiver] programs covered by this section. No dues or fees may be charged for the first sixty days of a personal care attendant's participation in a program covered by this section.

Sec. 228. Section 4-124l of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Upon the adoption of sections 4-124i to 4-124p, inclusive, or upon the ratification of a resolution adopting said sections, as

House Bill No. 5597

provided in section 4-124j, by any town, city or borough entitled to membership on a regional council of governments, the clerk of such town, city or borough shall immediately prepare and file with the Secretary of the Office of Policy and Management [,] or his or her designee a certified copy of the adopting or ratifying ordinance, and, upon receipt of such certified ordinances from not less than sixty per cent of all such towns, cities and boroughs within a planning region, said secretary or his or her designee shall certify to such towns, cities and boroughs and all other eligible towns, cities and boroughs within the planning region, that a regional council of governments has been duly established within such planning region. Any subsequent ordinances adopting the provisions of said sections, or effecting the withdrawal from the council of a member shall be similarly filed. [Except as hereinafter provided in this section, upon the establishment of a regional council of governments within a planning region in accordance with said sections, no regional council of elected officials nor regional planning agency shall be subsequently established within such planning region.]

[(b) If at the time of the adoption or ratification of the provisions of said sections by the requisite sixty per cent majority of all eligible towns, cities and boroughs within a planning region there exists within such planning region a regional council of elected officials, or regional planning agency, or both, the existence and activities of any such regional council of elected officials or regional planning agency shall continue uninterrupted for the duration of a transitional period commencing with the certification of the establishment of the council by the Secretary of the Office of Policy and Management, or his designee pursuant to subsection (a) of this section. The chief elected officials of each town, city or borough subsequently adopting said sections, or in the absence of a chief elected official, an elected official appointed by the legislative body of any such member, shall constitute a transitional executive committee of the regional council of

House Bill No. 5597

governments during such transitional period. Any such transitional executive committee acting under this subsection shall have the following authority and responsibilities: (1) To draft and propose bylaws for adoption by the council; (2) to select and propose for election by the council, candidates for offices of the council which may include any one or more members of the transitional committee; (3) to propose staffing arrangements, for adoption by the council; (4) to prepare and propose, for adoption by the council, a program of planning and implementation activities, which shall provide for the assumption of such active programs of any such existing regional council of elected officials or regional planning agency, as such executive committee may deem appropriate and a budget for a period not to exceed one year following such transitional period; (5) to propose, for adoption by the council, the date upon which such transitional period shall terminate, which date shall not be later than one year from the date of certification by the secretary of the office of policy and management, or his designee of the establishment of the council.

(c) Upon the expiration of the transitional period provided for under subsection (b) of this section, the regional council of governments shall succeed to and be responsible for all of the rights, privileges and obligations, whether statutory or contractual, of any regional council of elected officials, or regional planning agency, or both, within the planning region, and no regional council of elected officials nor regional planning agency shall be subsequently created within such planning region, except as provided in subsection (d) of this section.

(d) If at any time after the establishment within a planning region of a regional council of governments the members of the council shall constitute less than forty per cent of all eligible towns, cities and boroughs within such planning region, the council shall thereafter be

House Bill No. 5597

deemed a regional council of elected officials without the rights and duties of a regional planning agency for as long as and until the membership of the council shall again constitute not less than sixty per cent of all such eligible cities, towns and boroughs within the planning region. Whenever the members of the council shall constitute less than forty per cent of all such eligible towns, cities and boroughs within the planning region, a regional council of elected officials and a regional planning agency may be established within such region under the general statutes, as amended.]

(b) (1) If two or more regional councils of governments, regional councils of elected officials, regional planning agencies or any combination of such councils or agencies exist within the same planning region at the time of an adoption or ratification pursuant to subsection (a) of this section, the municipalities comprising such councils and agencies shall negotiate a consolidation of operations. The individual activities of such existing councils and agencies shall continue, uninterrupted, for the transitional period. Such transitional period shall commence upon the date of the certification by the secretary pursuant to subsection (a) of this section. During such transitional period, the chief elected officials of each municipality within the planning region designated by the secretary pursuant to section 16a-4c shall constitute a transitional executive committee that shall have the following authority and responsibility: (A) To draft and propose bylaws for adoption by the certified regional council of governments; (B) to select and propose for election by the certified regional council of governments candidates for offices of such council, which may include one or more members of the transitional executive committee; (C) to propose staffing arrangements for adoption by the merged regional council of governments; (D) to prepare and propose, for adoption by the certified regional council of governments, a program of planning and implementation activities that shall provide for the assumption of active programs of the existing council or

House Bill No. 5597

agency, as agreed upon and deemed appropriate by the transitional executive committee following appropriate due diligence and good faith negotiations, including a budget for such agreed-upon programs for a period not to exceed one year from the date on which the transitional period terminates; and (E) to propose, for adoption by the certified regional council of governments, the date on which the transitional period shall terminate, provided such date is not later than January 1, 2015.

(2) Upon the termination of the transitional period, the certified regional council of governments shall succeed to and be responsible for all of the rights, privileges and obligations, whether statutory or contractual, of any existing councils or agencies relating to such active programs as may be recommended by the transitional executive committee and adopted by the certified regional council of governments following appropriate due diligence and good faith negotiations during such transitional period. Any of the rights, privileges and obligations of the existing councils or agencies that are deemed unacceptable, in the sole discretion of the transitional executive committee, for assumption by the certified regional council of governments may continue to be administered by an unincorporated association of the municipalities that comprised the existing council or agency for a term to be determined by the member municipalities.

Sec. 229. (*Effective July 1, 2014*) Notwithstanding the provisions of section 4-66k of the general statutes, the Secretary of the Office of Policy and Management is authorized to expend, for the fiscal year ending June 30, 2015, the sum of \$1,311,198 from the regional planning incentive account established pursuant to said section for the purpose of providing a grant to the Capitol Region Council of Governments, in partnership with the Connecticut Center for Advanced Technology, to conduct demonstration projects that provide value to municipalities

House Bill No. 5597

connected to the state-wide high speed, flexible network developed pursuant to section 4d-80 of the general statutes. Participating municipalities for each demonstration project shall be selected in consultation with the Connecticut Conference of Municipalities. Such demonstration projects shall be conducted as follows:

(1) The sum of \$101,000 for the purpose of developing a pilot program to allow up to six municipalities to facilitate live Internet streaming of municipal meetings. As part of such pilot program, the Connecticut Center for Advanced Technology shall research less expensive and more mobile equipment alternatives for municipalities to use to broadcast municipal meetings over the Internet. Such pilot program may include any municipality in any regional council of governments that is connected to the state-wide high speed, flexible network developed pursuant to section 4d-80 of the general statutes, willing to participate in such program and capable of being a successful participant in such program;

(2) The sum of \$603,500 for the purpose of developing an electronic document management system pilot program for up to six municipalities to (A) facilitate municipal conversion to electronic information in lieu of paper documents and files; (B) streamline file searches and storage; and (C) facilitate the long-term sharing of systems and software services between municipalities. Such pilot program may include any municipality in any regional council of governments that is connected to the state-wide high speed, flexible network developed pursuant to section 4d-80 of the general statutes, willing to participate in such program and capable of being a successful participant in such program;

(3) The sum of \$95,200 for the purpose of developing a voice over Internet protocol pilot program to provide advanced communications services, including web site and video conferencing, to up to six participating municipalities. Such pilot program may include any

House Bill No. 5597

municipality in any regional council of governments that is connected to the state-wide high speed, flexible network developed pursuant to section 4d-80 of the general statutes, willing to participate in such program and capable of being a successful participant in such program;

(4) The sum of \$105,748 for the purpose of developing a hosting services pilot program to provide customized, host software solutions and a virtual environment on which to store data to up to seven participating municipalities. Such pilot program may include any municipality in any regional council of governments that is connected to the state-wide high speed, flexible network developed pursuant to section 4d-80 of the general statutes, willing to participate in such program and capable of being a successful participant in such program; and

(5) The sum of \$405,750 for the purpose of developing an online portal for municipal human resources services. Such portal shall include municipal wage and classification information and templates.

Sec. 230. Section 76 of public act 13-247, as amended by section 26 of public act 14-47, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The following amounts appropriated in section 1 of [this act] public act 13-247 to the Office of Policy and Management, for Youth Services Prevention, for [each of the fiscal years] the fiscal year ending June 30, 2014, [and June 30, 2015,] shall be made available in [each of said fiscal years] said fiscal year for the following grants: \$42,177 to Communities That Care; \$42,177 to Supreme Being, Inc.; \$42,177 to Windsor Police Department Partnership Collaboration; \$42,177 to Hartford Knights; \$42,177 to Ebony Horsewomen, Inc.; \$81,104 to Boys and Girls Clubs of Southeastern Connecticut; \$396,661 to Compass Youth Collaborative Peacebuilders Program; \$43,740 to Artist

House Bill No. 5597

Collective; \$43,740 to Wilson-Gray YMCA; \$43,740 to Joe Young Studios; \$50,000 to Believe in Me Inc.; \$341,339 to Institute for Municipal and Regional Policy; \$30,446 to Solar Youth New Haven; \$100,000 to Dixwell Summer Stream - Dixwell United Church of Christ; \$85,303 to Town of Manchester Youth Service Bureau Diversion Program; \$85,303 to East Hartford Youth Task Force Youth Outreach; \$67,163 to City of Bridgeport Office of Revitalization; \$67,163 to Walter E. Lockett, Jr. Foundation; \$134,326 to Bridgeport PAL; \$44,775 to Regional Youth Adult Social Action Partnership; \$44,775 to Save Our Youth of Connecticut; \$44,775 to Action for Bridgeport Community Development; \$67,163 to Gang Resistance Education Training (Captain Roderick Porter); \$67,163 to Family Re-entry Inc. (Fresh Start Program); \$134,326 to The Village Initiative Project, Inc.; \$125,000 to Yerwood Center; \$45,994 to Boys and Girls Club of Stamford; \$100,000 to Chester Addison Community Center; \$25,000 to Neighborhood Links Stamford; \$60,357 to River-Memorial Foundation, Inc.; \$60,357 to Hispanic Coalition of Greater Waterbury, Inc.; \$60,357 to Police Activity League, Inc. (Long Hill Rec. Center); \$60,357 to Willow Plaza Center; \$60,357 to Boys and Girls Club of Greater Waterbury; \$60,357 to W.O.W. (Walnut Orange Wood) NRZ Learning Center; \$211,584 to Serving All Vessels Equally; \$100,000 to Human Resource Agency of New Britain, Inc.; \$45,000 to Pathways Senderos; \$20,000 to [Prudence Crandell] Prudence Crandall Center, Inc. of New Britain; \$45,000 to OIC of New Britain; \$23,715 to Nurturing Families Network (New Britain); \$150,652 to City of Meriden Police Department; and \$64,579 to North End Action Team.

(b) The following amounts appropriated in section 1 of public act 13-247, as amended by public act 14-47, to the Office of Policy and Management, for Youth Services Prevention, for the fiscal year ending June 30, 2015, shall be made available in said fiscal year for the following grants: \$42,150 to Supreme Being, Inc.; \$42,150 to Windsor Police Department Partnership Collaboration; \$42,150 to Hartford

House Bill No. 5597

Knights; \$42,150 to Ebony Horsewomen, Inc.; \$81,000 to Writer's Block, Inc.; \$396,400 to Compass Youth Collaborative Peacebuilders Program; \$43,700 to Artist Collective; \$43,700 to Wilson-Gray YMCA; \$85,900 to Communities That Care; \$50,000 to Believe in Me Inc.; \$341,000 to Institute for Municipal and Regional Policy; \$30,400 to Solar Youth New Haven; \$99,900 to Dixwell Summer Stream - Dixwell United Church of Christ; \$85,200 to Town of Manchester Youth Service Bureau Diversion Program; \$85,200 to East Hartford Youth Task Force Youth Outreach; \$67,150 to City of Bridgeport Office of Revitalization; \$67,150 to Walter E. Lockett, Jr. Foundation; \$134,200 to Bridgeport PAL; \$44,750 to Regional Youth Adult Social Action Partnership; \$44,750 to Save Our Youth of Connecticut; \$44,700 to Action for Bridgeport Community Development; \$67,150 to Gang Resistance Education Training (Captain Roderick Porter); \$67,150 to Family Re-entry, Inc. (Fresh Start Program); \$134,200 to The Village Initiative Project, Inc.; \$96,000 to Boys and Girls Club of Stamford; \$200,000 to Domus of Stamford; \$60,300 to River-Memorial Foundation, Inc.; \$60,300 to Hispanic Coalition of Greater Waterbury, Inc.; \$60,300 to Police Activity League, Inc. (Long Hill Rec. Center); \$60,300 to Willow Plaza Center; \$60,300 to Boys and Girls Club of Greater Waterbury; \$60,300 to W.O.W. (Walnut Orange Wood) NRZ Learning Center; \$211,400 to Serving All Vessels Equally; \$99,900 to Human Resource Agency of New Britain, Inc.; \$45,000 to Pathways Senderos; \$20,000 to Prudence Crandall Center, Inc. of New Britain; \$45,000 to OIC of New Britain; \$23,700 to Nurturing Families Network (New Britain); \$150,500 to City of Meriden Police Department; \$64,500 to North End Action Team; \$50,000 to Police Activities League of New Haven; and \$50,000 to 'r Kids Family Center of New Haven.

(c) If any grant specified in subsection (b) of this section is not allocated to the designated recipient, the Secretary of the Office of Policy and Management shall reallocate such grant to one or more other recipients designated in such subsection and shall notify the

House Bill No. 5597

chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies of such reallocation.

Sec. 231. (*Effective July 1, 2014*) (a) The sum of \$500,000 appropriated in section 1 of public act 13-247, as amended by public act 14-47, to the Department of Revenue Services, for Other Expenses, for the fiscal year ending June 30, 2015, for the purpose of conducting a tax study shall be transferred to the Office of Legislative Management, for Other Expenses, for such purpose during the fiscal year ending June 30, 2015.

(b) The sum of \$50,000 appropriated in section 1 of public act 13-247, as amended by public act 14-47, to the Department of Emergency Services and Public Protection, for Other Expenses, for the fiscal year ending June 30, 2015, for the purpose of providing drug collection lock boxes shall be transferred to the Department of Consumer Protection, for Other Expenses, for such purpose during the fiscal year ending June 30, 2015.

Sec. 232. (*Effective July 1, 2014*) The amount appropriated to the following agency in section 1 of public act 13-247, as amended by public act 14-47, is reduced by the following amount for the fiscal year ending June 30, 2015:

GENERAL FUND	2014-2015
OFFICE OF POLICY AND MANAGEMENT	
Property Tax Relief	3,673,186
TOTAL - GENERAL FUND	3,673,186

Sec. 233. (*Effective July 1, 2014*) The following sums are appropriated from the GENERAL FUND for the purposes herein specified for the fiscal year ending June 30, 2015:

House Bill No. 5597

GENERAL FUND	2014-2015
OFFICE OF POLICY AND MANAGEMENT	
Reimbursement to Towns for Loss of Taxes on State Property	2,000,000
Reimbursement to Towns for Private Property Tax-Exempt Property	2,000,000
DEPARTMENT OF PUBLIC HEALTH	
School Based Health Clinics	200,000
TOTAL - GENERAL FUND	4,200,000

Sec. 234. (*Effective July 1, 2014*) The sum of \$1,126,814 appropriated in section 1 of public act 13-247, as amended by public act 14-47 and by this act, to the Office of Policy and Management, for Property Tax Relief, shall be distributed to towns as additional grants in lieu of taxes for the fiscal year ending June 30, 2015, as follows:

Town	Grant for Fiscal Year 2015
Colebrook	15,531
East Granby	74,202
Glastonbury	8,157
Goshen	4,285
Granby	881
Harwinton	1,234
Montville	345,327
Newington	73,979
Norwich	3,211
Plymouth	577
Ridgefield	12,030
Voluntown	45,275

House Bill No. 5597

Waterford	60,232
Windsor Locks	481,893
Total	1,126,814

Sec. 235. Section 17a-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Children and Families may, and is encouraged to contract with child-placing agencies to arrange for the adoption of children who are free for adoption. If (1) a child for whom adoption is indicated, cannot, after all reasonable efforts consistent with the best interests of the child, be placed in adoption through existing sources because the child is a special needs child, and (2) the adopting family meets the standards for adoption which any other adopting family meets, the Commissioner of Children and Families shall, before adoption of such child by such family, certify such child as a special needs child and, after adoption, provide one or more of the following subsidies for the adopting parents: (A) A special-need subsidy, which is a lump sum payment paid directly to the person providing the required service, to pay for an anticipated expense resulting from the adoption when no other resource is available for such payment; or (B) a periodic subsidy which is a payment to the adopting family; and (C) in addition to the subsidies granted under this subsection, any medical benefits which are being provided prior to final approval of the adoption by the [Court of Probate] superior court for juvenile matters in accordance with the fee schedule and payment procedures under the state Medicaid program administered by the Department of Social Services shall continue as long as the child qualifies as a dependent of the adoptive parent under the provisions of the Internal Revenue Code. [Such medical subsidy may continue only until the child reaches age twenty-one. A special-need subsidy may only be granted until the child reaches age eighteen. A periodic

House Bill No. 5597

subsidy may continue only until the child reaches age eighteen and is subject to biennial review as provided for in section 17a-118.] The amount of a periodic subsidy shall not exceed the current costs of foster maintenance care.

(b) A medical subsidy may continue until the child reaches twenty-one years of age. A periodic subsidy may continue until the child reaches age eighteen, except such periodic subsidy may continue for a child who is at least eighteen years of age but less than twenty-one years of age, provided: (1) The adoption was finalized on or after October 1, 2013, (2) the child was sixteen years of age or older at the time the adoption was finalized, and (3) the child is (A) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (B) enrolled full time in an institution that provides postsecondary or vocational education; or (C) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances.

(c) The periodic subsidy is subject to review by the commissioner as provided in section 17a-118.

~~[(b)]~~ (d) Requests for subsidies after a final approval of the adoption by the ~~[Court of Probate]~~ superior court for juvenile matters may be considered at the discretion of the commissioner for conditions resulting from or directly related to the totality of circumstances surrounding the child prior to placement in adoption. A written certification of the need for a subsidy shall be made by the ~~[Commissioner of Children and Families]~~ commissioner in each case and the type, amount and duration of the subsidy shall be mutually agreed to by the commissioner and the adopting parents prior to the entry of such decree. Any subsidy decision by the ~~[Commissioner of~~

House Bill No. 5597

Children and Families] commissioner may be appealed by a licensed child-placing agency or the adopting parent or parents to the Adoption Subsidy Review Board established under subsection [(c)] (e) of this section. The commissioner shall adopt regulations establishing the procedures for determining the amount and the need for a subsidy.

[(c)] (e) There is established an Adoption Subsidy Review Board to hear appeals under this section, section 17a-118 and section 17a-120. The board shall consist of the Commissioner of Children and Families, or the commissioner's designee, and a licensed representative of a child-placing agency and an adoptive parent appointed by the Governor. The Governor shall appoint an alternate licensed representative of a child-placing agency and an alternate adoptive parent. Such alternative members shall, when seated, have all the powers and duties set forth in this section and sections 17a-118 and 17a-120. Whenever an alternate member serves in place of a member of the board, such alternate member shall represent the same interest as the member in whose place such alternative member serves. All decisions of the board shall be based on the best interest of the child. Appeals under this section shall be in accordance with the provisions of chapter 54.

Sec. 236. Section 17a-118 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a biennial review of the subsidy for a child under eighteen years of age and an annual review for a child who is at least eighteen years of age but less than twenty-one years of age. Such reviews shall be conducted by the Commissioner of Children and Families. [in accordance with a schedule established by the commissioner or the commissioner's designee.] The adoptive parents shall, at the time of such review, submit a sworn statement that the condition which caused the child to be certified as a special needs child or a related condition continues to exist or has reoccurred and that the

House Bill No. 5597

adoptive parent or parents are still legally responsible for the support of the child and that the child is receiving support from the adoptive family. A child who is at least eighteen years of age but less than twenty-one years of age shall continue to receive an adoption subsidy, pursuant to section 17a-117, provided his or her adoptive parent submits, at the time of the review, a sworn statement that the child is (1) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (2) enrolled full time in an institution that provides postsecondary or vocational education; or (3) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. If the subsidy is to be terminated or reduced by the [Commissioner of Children and Families] commissioner, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parents and such adoptive parents shall, at least thirty days prior to the imposition of said reduction or termination, be given a hearing before the Adoption Subsidy Review Board. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the Adoption Subsidy Review Board.

(b) A child who is a resident of the state of Connecticut when eligibility for subsidy is certified, shall remain eligible and continue to receive the subsidy regardless of the domicile or residence of the adoptive parents at the time of application for adoption, placement, legal decree of adoption or thereafter. If the Department of Children and Families is responsible for such child's placement and care, the department shall be responsible for entering into an adoption assistance agreement and paying any subsidy granted under the provisions of sections 17a-116 to 17a-120, inclusive. If a licensed child placing agency, other than the Department of Children and Families,

House Bill No. 5597

or any public agency in another state is responsible for such child's placement and care, the adoption assistance application shall be made in the adoptive parents' state of residence and such state shall be responsible for determining that such child meets Title IV-E adoption assistance criteria and for providing adoption assistance permitted under federal law.

Sec. 237. (*Effective Deleted*)

Sec. 238. (*Effective Deleted*)

Sec. 239. (*Effective Deleted*)

Sec. 240. (*Effective Deleted*)

Sec. 241. (*Effective Deleted*)

Sec. 242. (*Effective Deleted*)

Sec. 243. (*Effective Deleted*)

Sec. 244. (*Effective Deleted*)

Sec. 245. (*Effective Deleted*)

Sec. 246. (*Effective Deleted*)

Sec. 247. (*Effective Deleted*)

Sec. 248. (NEW) (*Effective July 1, 2014*) (a) There is established an aquatic invasive species management grant and prevention and education program that shall be administered by the Department of Energy and Environmental Protection. Pursuant to such program, the Commissioner of Energy and Environmental Protection may make a grant to any municipality for: (1) Up to seventy-five per cent of the cost of conducting an aquatic invasive species diagnostic feasibility study associated with the abatement of a population of an aquatic invasive

House Bill No. 5597

species in an inland water body of this state; or (2) up to fifty per cent of the cost of conducting a project to restore an inland water body of the state through the control and management of a population of aquatic invasive species that exists in said inland water body as of the effective date of this section.

(b) In addition to making grants, as described in subsection (a) of this section, pursuant to such aquatic invasive species management grant and prevention and education program, the Commissioner of Energy and Environmental Protection may educate persons who engage in boating in this state on measures to prevent the spread of aquatic invasive species in the inland water bodies of this state and conduct a rapid response to a population of aquatic invasive species in an inland water body of this state that is identified after the effective date of this section.

(c) Not less than thirty per cent of any funds available to the Commissioner of Energy and Environmental Protection for such aquatic invasive species management grant and prevention and education program shall be used for the purpose of making grants in accordance with the provisions of subdivisions (1) and (2) of subsection (a) of this section. The remainder of any such funds shall be used for: (1) The prevention and education and rapid response efforts described in subsection (b) of this section, and (2) the administration of such program, provided not more than ten per cent of such funds shall be used for such administrative purposes.

(d) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the aquatic invasive species management grant and prevention and education program described in this section. Such regulations may include, but shall not be limited to, eligibility criteria and priorities for the award of any grant pursuant to subsection (a) of this section.

House Bill No. 5597

Sec. 249. Subsection (a) of section 3 of public act 14-84, as amended by section 207 of this act, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) On and after [October 1, 2014] January 1, 2015, a mortgagee who desires to foreclose upon a mortgage encumbering residential real property of a mortgagor shall give notice to the mortgagor by registered or certified mail, postage prepaid, at the address of the residential real property that is secured by such mortgage, in accordance with the relevant notice provisions of chapters 134 and 846 of the general statutes. No such mortgagee may commence a foreclosure of a mortgage prior to mailing such notice. Such notice shall advise the mortgagor of his or her delinquency or other default under the mortgage and that the mortgagor has the option to contact the mortgagee to discuss whether the property may, by mutual consent of the mortgagee and mortgagor, be marketed for sale pursuant to a listing agreement established in accordance with section 5 of this act. Such notice shall also advise the mortgagor (1) of the mailing address, telephone number, facsimile number and electronic mail address that should be used to contact the mortgagee; (2) of a date not less than sixty days after the date of such notice by which the mortgagor must initiate such contact, with contemporaneous confirmation in writing of the election to pursue such option sent to the designated mailing address or electronic mail address of the mortgagee; (3) that the mortgagor should contact a real estate agent licensed under chapter 392 of the general statutes to discuss the feasibility of listing the property for sale pursuant to the foreclosure by market sale process; (4) that, if the mortgagor and mortgagee both agree to proceed with further discussions concerning an acceptable listing agreement, the mortgagor must first permit an appraisal to be obtained in accordance with section 4 of this act for purposes of verifying eligibility for foreclosure by market sale; (5) that the appraisal will require both an interior and exterior inspection of the

House Bill No. 5597

property; (6) that the terms and conditions of the listing agreement, including the duration and listing price, must be acceptable to both the mortgagee and mortgagor; (7) that the terms and conditions of any offer to purchase, including the purchase price and any contingencies, must be acceptable to both the mortgagor and mortgagee; (8) that if an acceptable offer is received, the mortgagor will sign an agreement to sell the property through a foreclosure by market sale; and (9) in bold print and at least ten-point font, that if the mortgagor consents to a foreclosure by market sale, the mortgagor will not be eligible for foreclosure mediation in any type of foreclosure action that is commenced following the giving of such consent. The notice provided under this subsection may be combined with and delivered at the same time as any other notice required by subsection (a) of section 8-265ee of the general statutes or federal law.

Sec. 250. Subsection (b) of section 10-262i of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(b) (1) Except as provided in [subdivision] subdivisions (2) and (3) of this subsection, the amount due each town pursuant to the provisions of subsection (a) of this section shall be paid by the Comptroller, upon certification of the Commissioner of Education, to the treasurer of each town entitled to such aid in installments during the fiscal year as follows: Twenty-five per cent of the grant in October, twenty-five per cent of the grant in January and the balance of the grant in April. The balance of the grant due towns under the provisions of this subsection shall be paid in March rather than April to any town which has not adopted the uniform fiscal year and which would not otherwise receive such final payment within the fiscal year of such town.

(2) Any amount due to a town pursuant to subdivision (1) of subsection (c) and subdivision (1) of subsection (d) of section 10-66ee

House Bill No. 5597

shall be paid by the Comptroller, upon certification of the Commissioner of Education, to the treasurer of each town entitled to such amount pursuant to the schedule established in section 10-66ee.

(3) For the fiscal years ending June 30, 2015, and June 30, 2016, the amount due to the town of Winchester pursuant to the provisions of subsection (a) of this section shall be paid by the Comptroller, upon certification of the Commissioner of Education, to the treasurer of the town of Winchester in installments during said fiscal years as follows: Fifty per cent of the grant in October, twenty-five per cent of the grant in January and twenty-five per cent of the grant in April.

Sec. 251. Subsection (a) of section 12-217g of the 2014 supplement to the general statutes, as amended by section 1 of public act 13-265, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) (1) There shall be allowed a credit for any taxpayer against the tax imposed under this chapter for any income year with respect to each apprenticeship in the manufacturing trades commenced by such taxpayer in such year under a qualified apprenticeship training program as described in this section, certified in accordance with regulations adopted by the Labor Commissioner and registered with the Connecticut State Apprenticeship Council established under section 31-22n, in an amount equal to six dollars per hour multiplied by the total number of hours worked during the income year by apprentices in the first half of a two-year term of apprenticeship and the first three-quarters of a four-year term of apprenticeship, provided the amount of credit allowed for any income year with respect to each such apprenticeship may not exceed seven thousand five hundred dollars or fifty per cent of actual wages paid in such income year to an apprentice in the first half of a two-year term of apprenticeship or in the first three-quarters of a four-year term of apprenticeship, whichever is less.

House Bill No. 5597

(2) Effective for income years commencing on and after January 1, 2015, for purposes of this subsection, "taxpayer" includes an affected business entity, as defined in section 12-284b. Any affected business entity allowed a credit under this subsection may sell, assign or otherwise transfer such credit, in whole or in part, to one or more taxpayers, provided such credit may be sold, assigned or otherwise transferred, in whole or in part, not more than three times.

Sec. 252. Subsection (b) of section 51-50 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Each judge, family support magistrate or compensation commissioner who first commences service as a judge, family support magistrate or compensation commissioner on or after January 1, 1981, and prior to July 1, 2014, and who attains the age of seventy while serving in his or her respective office or who is retired because of disability shall receive as retirement, annually, two-thirds of the salary the judge, family support magistrate or compensation commissioner was receiving at the time of his or her retirement.

(2) Each judge, family support magistrate or compensation commissioner who first commences service as a judge, family support magistrate or compensation commissioner on or after July 1, 2014, and who attains the age of seventy while serving in his or her respective office or who is retired because of disability shall receive as retirement, annually, two-thirds of the salary the judge, family support magistrate or compensation commissioner was receiving at the time of his or her retirement, except that if a judge, family support magistrate or compensation commissioner has fewer than ten years of state service credit under the provisions of chapter 66 at the time of his or her retirement under this subdivision, his or her retirement salary shall be a reduced amount determined as follows: (A) Two-thirds of the salary the judge, family support magistrate or compensation commissioner

House Bill No. 5597

was receiving at the time of his or her retirement, multiplied by (B) a fraction, the numerator of which is the number of years of his or her completed state service, not to exceed ten, and the denominator of which is ten. In no event shall any judge receive more than one pension benefit as a result of his or her employment with the state.

Sec. 253. Section 30-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Upon the petition of not less than ten per cent of the electors of any town, lodged with the town clerk at least sixty days before the date of any regular [town] election, as defined in section 9-1, the selectmen of the town shall warn the electors of such town that, at [the] such regular [town] election, a vote shall be taken to determine: (1) Whether or not the sale of alcoholic liquor shall be permitted in such town, or (2) whether the sale of alcoholic liquor shall be permitted in such town in one or more of the classes of permits set forth in section 30-15. Such vote shall be taken in the manner prescribed in sections 9-369 and 30-11, and shall become effective on the first Monday of the month next succeeding such [town] election and shall remain in force until a new vote is taken; provided such vote may be taken at a special election called for the purpose in conformity with the provisions of section 9-164 and provided at least one year shall have elapsed since the previous vote was taken. The provisions of chapter 145 concerning absentee voting at referenda shall apply to all votes taken upon the question of liquor permits. Any class or classes of permits already allowed in a town shall not be affected by any vote unless the petition specifies such class or classes or requests "No Permits".

Sec. 254. Section 10-244a of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) For the school year commencing July 1, 2013, and each school

House Bill No. 5597

year thereafter, no municipality or local or regional board of education may employ or enter into an agreement, as described in subdivision (2) of subsection (b) of section 53a-217b, with any person, other than a sworn member of an organized local police department or a retired police officer as provided in subsection (b) of this section, to provide security services in a public school if such person will possess a firearm, as defined in section 53a-3, while in the performance of his or her duties.

(b) A municipality or a local or regional board of education may employ or enter into an agreement with a retired police officer to provide security services in a public school if such retired police officer is a qualified retired law enforcement officer, as defined in 18 USC 926C, as amended from time to time. Such retired police officer shall receive annual training pursuant to section 7-294x and shall successfully complete annual firearms training provided by a certified firearms instructor that meets or exceeds the standards of the Police Officer Standards and Training Council or 18 USC 926C, as amended from time to time. Such retired police officer shall not be subject to the licensing requirements of part II of chapter 534.

(c) For the purposes of subsection (b) of this section, "retired police officer" means (1) a sworn member of an organized local police department who was certified by the Police Officer Standards and Training Council and retired or separated in good standing from such department or a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection who retired or separated in good standing from said division, (2) a sworn federal law enforcement agent who retired or separated in good standing from such federal law enforcement service and who meets or exceeds the standards of the Police Officer Standards and Training Council for certification in this state, or (3) a sworn officer of an organized police department in another state who was certified under

House Bill No. 5597

standards that meet or exceed the standards of the Police Officer Standards and Training Council for certification in this state and who retired or separated in good standing from such department.

Sec. 255. (*Effective from passage*) Notwithstanding the provisions of section 10-283 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services requiring a completed grant application to be submitted prior to June 30, 2014, or subsection (d) of said section 10-283, or any regulation adopted by the State Board of Education or the Department of Administrative Services requiring local funding authorization for the local share of project costs prior to application, for the school construction priority list to be considered by the General Assembly in the 2015 regular legislative session, the Commissioner of Education shall give review priority and the Commissioner of Administrative Services shall give review and approval priority to a project for the renovation and alteration of the Southeast School as Early Childhood Center in the town of Torrington, provided a complete grant application with funding authorization for the local share of the project costs is filed on or before November 30, 2014.

Sec. 256. Section 261 of public act 13-247 and section 23 of public act 14-47 are repealed. (*Effective from passage*)

Sec. 257. Sections 17b-301a to 17b-301p, inclusive, of the general statutes are repealed. (*Effective from passage*)

Sec. 258. Sections 8-37ppp and 12-170ee of the 2014 supplement to the general statutes are repealed. (*Effective from passage*)

Sec. 259. Sections 10a-203, 19a-402, 19a-750 to 19a-754, inclusive, and 27-138d of the general statutes are repealed. (*Effective July 1, 2014*)

Sec. 260. Sections 9 to 15, inclusive, of public act 12-89, and section 14 of public act 13-194 are repealed. (*Effective October 1, 2014*)

House Bill No. 5597

Approved June 13, 2014