



General Assembly

January Session, 2003

Amendment

LCO No. 7640

HB0617107640SD0

Offered by:

SEN. FONFARA, 1st Dist.
SEN. SULLIVAN, 5th Dist.
SEN. LOONEY, 11th Dist.
REP. WALLACE, 109th Dist.
REP. BERNHARD, 136th Dist.

REP. MINER, 66th Dist.
REP. POWERS, 151st Dist.
REP. SCRIBNER, 107th Dist.
REP. RYAN, 141st Dist.

To: Subst. House Bill No. 6171

File No. 753

Cal. No. 485

**"AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND
HAZARD MITIGATION."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsections (b) to (d), inclusive, of section 1-210 of the
4 general statutes are repealed and the following is substituted in lieu
5 thereof (*Effective October 1, 2003*):

6 (b) Nothing in the Freedom of Information Act shall be construed to
7 require disclosure of:

8 (1) Preliminary drafts or notes provided the public agency has
9 determined that the public interest in withholding such documents
10 clearly outweighs the public interest in disclosure;

11 (2) Personnel or medical files and similar files the disclosure of
12 which would constitute an invasion of personal privacy;

13 (3) Records of law enforcement agencies not otherwise available to
14 the public which records were compiled in connection with the
15 detection or investigation of crime, if the disclosure of said records
16 would not be in the public interest because it would result in the
17 disclosure of (A) the identity of informants not otherwise known or the
18 identity of witnesses not otherwise known whose safety would be
19 endangered or who would be subject to threat or intimidation if their
20 identity was made known, (B) signed statements of witnesses, (C)
21 information to be used in a prospective law enforcement action if
22 prejudicial to such action, (D) investigatory techniques not otherwise
23 known to the general public, (E) arrest records of a juvenile, which
24 shall also include any investigatory files, concerning the arrest of such
25 juvenile, compiled for law enforcement purposes, (F) the name and
26 address of the victim of a sexual assault under section 53a-70, 53a-70a,
27 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
28 impairing of morals under section 53-21, or of an attempt thereof, or
29 (G) uncorroborated allegations subject to destruction pursuant to
30 section 1-216;

31 (4) Records pertaining to strategy and negotiations with respect to
32 pending claims or pending litigation to which the public agency is a
33 party until such litigation or claim has been finally adjudicated or
34 otherwise settled;

35 (5) (A) Trade secrets, which for purposes of the Freedom of
36 Information Act, are defined as information, including formulas,
37 patterns, compilations, programs, devices, methods, techniques,
38 processes, drawings, cost data, or customer lists that (i) derive
39 independent economic value, actual or potential, from not being
40 generally known to, and not being readily ascertainable by proper
41 means by, other persons who can obtain economic value from their
42 disclosure or use, and (ii) are the subject of efforts that are reasonable
43 under the circumstances to maintain secrecy; and

44 (B) Commercial or financial information given in confidence, not
45 required by statute;

46 (6) Test questions, scoring keys and other examination data used to
47 administer a licensing examination, examination for employment or
48 academic examinations;

49 (7) The contents of real estate appraisals, engineering or feasibility
50 estimates and evaluations made for or by an agency relative to the
51 acquisition of property or to prospective public supply and
52 construction contracts, until such time as all of the property has been
53 acquired or all proceedings or transactions have been terminated or
54 abandoned, provided the law of eminent domain shall not be affected
55 by this provision;

56 (8) Statements of personal worth or personal financial data required
57 by a licensing agency and filed by an applicant with such licensing
58 agency to establish the applicant's personal qualification for the
59 license, certificate or permit applied for;

60 (9) Records, reports and statements of strategy or negotiations with
61 respect to collective bargaining;

62 (10) Records, tax returns, reports and statements exempted by
63 federal law or state statutes or communications privileged by the
64 attorney-client relationship;

65 (11) Names or addresses of students enrolled in any public school or
66 college without the consent of each student whose name or address is
67 to be disclosed who is eighteen years of age or older and a parent or
68 guardian of each such student who is younger than eighteen years of
69 age, provided this subdivision shall not be construed as prohibiting the
70 disclosure of the names or addresses of students enrolled in any public
71 school in a regional school district to the board of selectmen or town
72 board of finance, as the case may be, of the town wherein the student
73 resides for the purpose of verifying tuition payments made to such
74 school;

- 75 (12) Any information obtained by the use of illegal means;
- 76 (13) Records of an investigation or the name of an employee
77 providing information under the provisions of section 4-61dd;
- 78 (14) Adoption records and information provided for in sections 45a-
79 746, 45a-750 and 45a-751;
- 80 (15) Any page of a primary petition, nominating petition,
81 referendum petition or petition for a town meeting submitted under
82 any provision of the general statutes or of any special act, municipal
83 charter or ordinance, until the required processing and certification of
84 such page has been completed by the official or officials charged with
85 such duty after which time disclosure of such page shall be required;
- 86 (16) Records of complaints, including information compiled in the
87 investigation thereof, brought to a municipal health authority pursuant
88 to chapter 368e or a district department of health pursuant to chapter
89 368f, until such time as the investigation is concluded or thirty days
90 from the date of receipt of the complaint, whichever occurs first;
- 91 (17) Educational records which are not subject to disclosure under
92 the Family Educational Rights and Privacy Act, 20 USC 1232g;
- 93 (18) Records, the disclosure of which the Commissioner of
94 Correction, or as it applies to Whiting Forensic Division facilities of the
95 Connecticut Valley Hospital, the Commissioner of Mental Health and
96 Addiction Services, has reasonable grounds to believe may result in a
97 safety risk, including the risk of harm to any person or the risk of an
98 escape from, or a disorder in, a correctional institution or facility under
99 the supervision of the Department of Correction or Whiting Forensic
100 Division facilities. Such records shall include, but are not limited to:
- 101 (A) Security manuals, including emergency plans contained or
102 referred to in such security manuals;
- 103 (B) Engineering and architectural drawings of correctional
104 institutions or facilities or Whiting Forensic Division facilities;

105 (C) Operational specifications of security systems utilized by the
106 Department of Correction at any correctional institution or facility or
107 Whiting Forensic Division facilities, except that a general description
108 of any such security system and the cost and quality of such system
109 may be disclosed;

110 (D) Training manuals prepared for correctional institutions and
111 facilities or Whiting Forensic Division facilities that describe, in any
112 manner, security procedures, emergency plans or security equipment;

113 (E) Internal security audits of correctional institutions and facilities
114 or Whiting Forensic Division facilities;

115 (F) Minutes or recordings of staff meetings of the Department of
116 Correction or Whiting Forensic Division facilities, or portions of such
117 minutes or recordings, that contain or reveal information relating to
118 security or other records otherwise exempt from disclosure under this
119 subdivision;

120 (G) Logs or other documents that contain information on the
121 movement or assignment of inmates or staff at correctional institutions
122 or facilities; and

123 (H) Records that contain information on contacts between inmates,
124 as defined in section 18-84, and law enforcement officers;

125 (19) Records when there are reasonable grounds to believe
126 disclosure may result in a safety risk, including the risk of harm to any
127 person, any government-owned or leased institution or facility or any
128 fixture or appurtenance and equipment attached to, or contained in,
129 such institution or facility, except that such records shall be disclosed
130 to a law enforcement agency upon the request of the law enforcement
131 agency. Such reasonable grounds shall be determined (A) with respect
132 to records concerning any executive branch agency of the state or any
133 municipal, district or regional agency, by the Commissioner of Public
134 Works, after consultation with the chief executive officer of the agency;
135 (B) with respect to records concerning Judicial Department facilities,

136 by the Chief Court Administrator; and (C) with respect to records
137 concerning the Legislative Department, by the executive director of the
138 Joint Committee on Legislative Management. As used in this section,
139 "government-owned or leased institution or facility" includes, but is
140 not limited to, an institution or facility owned or leased by a public
141 service company, as defined in section 16-1, a certified
142 telecommunications provider, as defined in section 16-1, a water
143 company, as defined in section 25-32a, or a municipal utility that
144 furnishes electric, gas or water service, but does not include an
145 institution or facility owned or leased by the federal government, and
146 "chief executive officer" includes, but is not limited to, an agency head,
147 department head, executive director or chief executive officer. Such
148 records include, but are not limited to:

149 (i) Security manuals or reports;

150 (ii) Engineering and architectural drawings of government-owned
151 or leased institutions or facilities;

152 (iii) Operational specifications of security systems utilized at any
153 government-owned or leased institution or facility, except that a
154 general description of any such security system and the cost and
155 quality of such system, may be disclosed;

156 (iv) Training manuals prepared for government-owned or leased
157 institutions or facilities that describe, in any manner, security
158 procedures, emergency plans or security equipment;

159 (v) Internal security audits of government-owned or leased
160 institutions or facilities;

161 (vi) Minutes or records of meetings, or portions of such minutes or
162 records, that contain or reveal information relating to security or other
163 records otherwise exempt from disclosure under this subdivision;

164 (vii) Logs or other documents that contain information on the
165 movement or assignment of security personnel at government-owned

166 or leased institutions or facilities; [and]

167 (viii) Emergency plans and emergency recovery or response plans;
168 and

169 (ix) With respect to a water company, as defined in section 25-32a,
170 that provides water service: Vulnerability assessments and risk
171 management plans, operational plans, portions of water supply plans
172 submitted pursuant to section 25-32d that contain or reveal
173 information the disclosure of which may result in a security risk to a
174 water company, inspection reports, technical specifications and other
175 materials that depict or specifically describe critical water company
176 operating facilities, collection and distribution systems or sources of
177 supply;

178 (20) Records of standards, procedures, processes, software and
179 codes, not otherwise available to the public, the disclosure of which
180 would compromise the security or integrity of an information
181 technology system.

182 (c) Whenever a public agency receives a request from any person
183 confined in a correctional institution or facility or a Whiting Forensic
184 Division facility, for disclosure of any public record under the
185 Freedom of Information Act, the public agency shall promptly notify
186 the Commissioner of Correction or the Commissioner of Mental Health
187 and Addiction Services in the case of a person confined in a Whiting
188 Forensic Division facility of such request, in the manner prescribed by
189 the commissioner, before complying with the request as required by
190 the Freedom of Information Act. If the commissioner believes the
191 requested record is exempt from disclosure pursuant to subdivision
192 (18) of subsection (b) of this section, the commissioner may withhold
193 such record from such person when the record is delivered to the
194 person's correctional institution or facility or Whiting Forensic
195 Division facility.

196 (d) Whenever a public agency, except the Judicial Department or
197 Legislative Department, receives a request from any person for

198 disclosure of any records described in subdivision (19) of subsection
199 (b) of this section under the Freedom of Information Act, the public
200 agency shall promptly notify the Commissioner of Public Works of
201 such request, in the manner prescribed by the commissioner, [before
202 complying with the request as required by the Freedom of Information
203 Act] and for information related to a water company, as defined in
204 section 25-32a, the public agency shall promptly notify the water
205 company, before complying with the request as required by the
206 Freedom of Information Act. If the commissioner, after consultation
207 with the chief executive officer of the applicable agency or after
208 consultation with the chief executive officer of the applicable water
209 company for information related to a water company, as defined in
210 section 25-32a, believes the requested record is exempt from disclosure
211 pursuant to subdivision (19) of subsection (b) of this section, the
212 commissioner may direct the agency to withhold such record from
213 such person. In any appeal brought under the provisions of section 1-
214 206 of the Freedom of Information Act for denial of access to records
215 for any of the reasons described in subdivision (19) of subsection (b) of
216 this section, such appeal shall be against the Commissioner of Public
217 Works, exclusively, or, in the case of records concerning Judicial
218 Department facilities, the Chief Court Administrator or, in the case of
219 records concerning the Legislative Department, the executive director
220 of the Joint Committee on Legislative Management.

221 Sec. 502. Subsection (b) of section 8-26a of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective July*
223 *1, 2003*):

224 (b) Notwithstanding the provisions of any general or special act or
225 local ordinance, when a change is adopted in the zoning regulations or
226 boundaries of zoning districts of any town, city or borough, no lot or
227 lots shown on a subdivision plan for residential property which has
228 been approved, prior to the effective date of such change, by the
229 planning commission of such town, city or borough, or other body
230 exercising the powers of such commission, and filed or recorded with
231 the town clerk, shall be required to conform to such change for a

232 period of ten years after the date of such filing or recording. After the
233 expiration of such period, all new construction and improvements
234 shall be required to conform to such change, except that no lot shall be
235 required to conform to any change in minimum area or dimensions.

236 Sec. 503. (*Effective from passage*) There is established a finance
237 committee for the Litchfield County Dispatch Center which shall
238 consist of the following members: Three members of the Litchfield
239 County Council of Elected Officials, each of whom shall be selected by
240 the council, three members of the Northwest Council of Government,
241 each of whom shall be selected by the council and one member from
242 the Board of Directors of the Litchfield County Dispatch Center, who
243 shall be selected by the board. The committee shall annually review
244 and approve or deny the operating and capital budgets of the
245 Litchfield County Dispatch Center."