



General Assembly

**Substitute Bill No. 6666**

January Session, 2005

\*          HB06666LM          042705          \*

**AN ACT PROTECTING THE INTEGRITY OF THE PROCUREMENT PROCESS.**

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

1       Section 1. Section 1-210 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3       (a) Except as otherwise provided by any federal law or state statute,  
4 all records maintained or kept on file by any public agency, whether or  
5 not such records are required by any law or by any rule or regulation,  
6 shall be public records and every person shall have the right to (1)  
7 inspect such records promptly during regular office or business hours,  
8 (2) copy such records in accordance with subsection (g) of section 1-  
9 212, or (3) receive a copy of such records in accordance with section 1-  
10 212. Any agency rule or regulation, or part thereof, that conflicts with  
11 the provisions of this subsection or diminishes or curtails in any way  
12 the rights granted by this subsection shall be void. Each such agency  
13 shall keep and maintain all public records in its custody at its regular  
14 office or place of business in an accessible place and, if there is no such  
15 office or place of business, the public records pertaining to such agency  
16 shall be kept in the office of the clerk of the political subdivision in  
17 which such public agency is located or of the Secretary of the State, as  
18 the case may be. Any certified record hereunder attested as a true copy  
19 by the clerk, chief or deputy of such agency or by such other person

20 designated or empowered by law to so act, shall be competent  
21 evidence in any court of this state of the facts contained therein. Each  
22 such agency shall make, keep and maintain a record of the proceedings  
23 of its meetings.

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

26 (1) Preliminary drafts or notes provided the public agency has  
27 determined that the public interest in withholding such documents  
28 clearly outweighs the public interest in disclosure;

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

31 (3) Records of law enforcement agencies not otherwise available to  
32 the public which records were compiled in connection with the  
33 detection or investigation of crime, if the disclosure of said records  
34 would not be in the public interest because it would result in the  
35 disclosure of (A) the identity of informants not otherwise known or the  
36 identity of witnesses not otherwise known whose safety would be  
37 endangered or who would be subject to threat or intimidation if their  
38 identity was made known, (B) signed statements of witnesses, (C)  
39 information to be used in a prospective law enforcement action if  
40 prejudicial to such action, (D) investigatory techniques not otherwise  
41 known to the general public, (E) arrest records of a juvenile, which  
42 shall also include any investigatory files, concerning the arrest of such  
43 juvenile, compiled for law enforcement purposes, (F) the name and  
44 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
45 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
46 impairing of morals under section 53-21, or of an attempt thereof, or  
47 (G) uncorroborated allegations subject to destruction pursuant to  
48 section 1-216;

49 (4) Records pertaining to strategy and negotiations with respect to  
50 pending claims or pending litigation to which the public agency is a  
51 party until such litigation or claim has been finally adjudicated or

52 otherwise settled;

53 (5) (A) Trade secrets, which for purposes of the Freedom of  
54 Information Act, are defined as information, including formulas,  
55 patterns, compilations, programs, devices, methods, techniques,  
56 processes, drawings, cost data, or customer lists that (i) derive  
57 independent economic value, actual or potential, from not being  
58 generally known to, and not being readily ascertainable by proper  
59 means by, other persons who can obtain economic value from their  
60 disclosure or use, and (ii) are the subject of efforts that are reasonable  
61 under the circumstances to maintain secrecy; and

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

64 (6) Test questions, scoring keys and other examination data used to  
65 administer a licensing examination, examination for employment or  
66 academic examinations;

67 (7) The contents of real estate appraisals, engineering or feasibility  
68 estimates and evaluations made for or by an agency relative to the  
69 acquisition of property or to prospective public supply and  
70 construction contracts, until such time as all of the property has been  
71 acquired or all proceedings or transactions have been terminated or  
72 abandoned, provided the law of eminent domain shall not be affected  
73 by this provision;

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

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

80 (10) Records, tax returns, reports and statements exempted by  
81 federal law or state statutes or communications privileged by the

82 attorney-client relationship;

83 (11) Names or addresses of students enrolled in any public school or  
84 college without the consent of each student whose name or address is  
85 to be disclosed who is eighteen years of age or older and a parent or  
86 guardian of each such student who is younger than eighteen years of  
87 age, provided this subdivision shall not be construed as prohibiting the  
88 disclosure of the names or addresses of students enrolled in any public  
89 school in a regional school district to the board of selectmen or town  
90 board of finance, as the case may be, of the town wherein the student  
91 resides for the purpose of verifying tuition payments made to such  
92 school;

93 (12) Any information obtained by the use of illegal means;

94 (13) Records of an investigation or the name of an employee  
95 providing information under the provisions of section 4-61dd;

96 (14) Adoption records and information provided for in sections 45a-  
97 746, 45a-750 and 45a-751;

98 (15) Any page of a primary petition, nominating petition,  
99 referendum petition or petition for a town meeting submitted under  
100 any provision of the general statutes or of any special act, municipal  
101 charter or ordinance, until the required processing and certification of  
102 such page has been completed by the official or officials charged with  
103 such duty after which time disclosure of such page shall be required;

104 (16) Records of complaints, including information compiled in the  
105 investigation thereof, brought to a municipal health authority pursuant  
106 to chapter 368e or a district department of health pursuant to chapter  
107 368f, until such time as the investigation is concluded or thirty days  
108 from the date of receipt of the complaint, whichever occurs first;

109 (17) Educational records which are not subject to disclosure under  
110 the Family Educational Rights and Privacy Act, 20 USC 1232g;

111 (18) Records, the disclosure of which the Commissioner of

112 Correction, or as it applies to Whiting Forensic Division facilities of the  
113 Connecticut Valley Hospital, the Commissioner of Mental Health and  
114 Addiction Services, has reasonable grounds to believe may result in a  
115 safety risk, including the risk of harm to any person or the risk of an  
116 escape from, or a disorder in, a correctional institution or facility under  
117 the supervision of the Department of Correction or Whiting Forensic  
118 Division facilities. Such records shall include, but are not limited to:

119 (A) Security manuals, including emergency plans contained or  
120 referred to in such security manuals;

121 (B) Engineering and architectural drawings of correctional  
122 institutions or facilities or Whiting Forensic Division facilities;

123 (C) Operational specifications of security systems utilized by the  
124 Department of Correction at any correctional institution or facility or  
125 Whiting Forensic Division facilities, except that a general description  
126 of any such security system and the cost and quality of such system  
127 may be disclosed;

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

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

133 (F) Minutes or recordings of staff meetings of the Department of  
134 Correction or Whiting Forensic Division facilities, or portions of such  
135 minutes or recordings, that contain or reveal information relating to  
136 security or other records otherwise exempt from disclosure under this  
137 subdivision;

138 (G) Logs or other documents that contain information on the  
139 movement or assignment of inmates or staff at correctional institutions  
140 or facilities; and

141 (H) Records that contain information on contacts between inmates,

142 as defined in section 18-84, and law enforcement officers;

143 (19) Records when there are reasonable grounds to believe  
144 disclosure may result in a safety risk, including the risk of harm to any  
145 person, any government-owned or leased institution or facility or any  
146 fixture or appurtenance and equipment attached to, or contained in,  
147 such institution or facility, except that such records shall be disclosed  
148 to a law enforcement agency upon the request of the law enforcement  
149 agency. Such reasonable grounds shall be determined (A) with respect  
150 to records concerning any executive branch agency of the state or any  
151 municipal, district or regional agency, by the Commissioner of Public  
152 Works, after consultation with the chief executive officer of the agency;  
153 (B) with respect to records concerning Judicial Department facilities,  
154 by the Chief Court Administrator; and (C) with respect to records  
155 concerning the Legislative Department, by the executive director of the  
156 Joint Committee on Legislative Management. As used in this section,  
157 "government-owned or leased institution or facility" includes, but is  
158 not limited to, an institution or facility owned or leased by a public  
159 service company, as defined in section 16-1, a certified  
160 telecommunications provider, as defined in section 16-1, a water  
161 company, as defined in section 25-32a, or a municipal utility that  
162 furnishes electric, gas or water service, but does not include an  
163 institution or facility owned or leased by the federal government, and  
164 "chief executive officer" includes, but is not limited to, an agency head,  
165 department head, executive director or chief executive officer. Such  
166 records include, but are not limited to:

167 (i) Security manuals or reports;

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

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

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

177 (v) Internal security audits of government-owned or leased  
178 institutions or facilities;

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

182 (vii) Logs or other documents that contain information on the  
183 movement or assignment of security personnel at government-owned  
184 or leased institutions or facilities;

185 (viii) Emergency plans and emergency recovery or response plans;  
186 and

187 (ix) With respect to a water company, as defined in section 25-32a,  
188 that provides water service: Vulnerability assessments and risk  
189 management plans, operational plans, portions of water supply plans  
190 submitted pursuant to section 25-32d that contain or reveal  
191 information the disclosure of which may result in a security risk to a  
192 water company, inspection reports, technical specifications and other  
193 materials that depict or specifically describe critical water company  
194 operating facilities, collection and distribution systems or sources of  
195 supply;

196 (20) Records of standards, procedures, processes, software and  
197 codes, not otherwise available to the public, the disclosure of which  
198 would compromise the security or integrity of an information  
199 technology system;

200 (21) The residential, work or school address of any participant in the  
201 address confidentiality program established pursuant to sections 54-  
202 240 to 54-240o, inclusive; and

203 (22) Responses to any procurement requests for proposals by a

204 public agency and any records or files made in connection with a  
205 contract award process by any public agency until the contract is  
206 awarded or until negotiations for the award of such contract have  
207 ended, whichever occurs first, provided the chief officer of such public  
208 agency certifies that the public interest in disclosure of such responses,  
209 records or files is outweighed by the public interest in confidentiality  
210 of such responses, records or files.

211 (c) Whenever a public agency receives a request from any person  
212 confined in a correctional institution or facility or a Whiting Forensic  
213 Division facility, for disclosure of any public record under the  
214 Freedom of Information Act, the public agency shall promptly notify  
215 the Commissioner of Correction or the Commissioner of Mental Health  
216 and Addiction Services in the case of a person confined in a Whiting  
217 Forensic Division facility of such request, in the manner prescribed by  
218 the commissioner, before complying with the request as required by  
219 the Freedom of Information Act. If the commissioner believes the  
220 requested record is exempt from disclosure pursuant to subdivision  
221 (18) of subsection (b) of this section, the commissioner may withhold  
222 such record from such person when the record is delivered to the  
223 person's correctional institution or facility or Whiting Forensic  
224 Division facility.

225 (d) Whenever a public agency, except the Judicial Department or  
226 Legislative Department, receives a request from any person for  
227 disclosure of any records described in subdivision (19) of subsection  
228 (b) of this section under the Freedom of Information Act, the public  
229 agency shall promptly notify the Commissioner of Public Works of  
230 such request, in the manner prescribed by the commissioner, before  
231 complying with the request as required by the Freedom of Information  
232 Act and for information related to a water company, as defined in  
233 section 25-32a, the public agency shall promptly notify the water  
234 company before complying with the request as required by the  
235 Freedom of Information Act. If the commissioner, after consultation  
236 with the chief executive officer of the applicable agency or after  
237 consultation with the chief executive officer of the applicable water

238 company for information related to a water company, as defined in  
239 section 25-32a, believes the requested record is exempt from disclosure  
240 pursuant to subdivision (19) of subsection (b) of this section, the  
241 commissioner may direct the agency to withhold such record from  
242 such person. In any appeal brought under the provisions of section 1-  
243 206 of the Freedom of Information Act for denial of access to records  
244 for any of the reasons described in subdivision (19) of subsection (b) of  
245 this section, such appeal shall be against the Commissioner of Public  
246 Works, exclusively, or, in the case of records concerning Judicial  
247 Department facilities, the Chief Court Administrator or, in the case of  
248 records concerning the Legislative Department, the executive director  
249 of the Joint Committee on Legislative Management.

250 (e) Notwithstanding the provisions of subdivisions (1) and (16) of  
251 subsection (b) of this section, disclosure shall be required of:

252 (1) Interagency or intra-agency memoranda or letters, advisory  
253 opinions, recommendations or any report comprising part of the  
254 process by which governmental decisions and policies are formulated,  
255 except disclosure shall not be required of a preliminary draft of a  
256 memorandum, prepared by a member of the staff of a public agency,  
257 which is subject to revision prior to submission to or discussion among  
258 the members of such agency;

259 (2) All records of investigation conducted with respect to any  
260 tenement house, lodging house or boarding house as defined in section  
261 19a-355, or any nursing home, residential care home or rest home, as  
262 defined in section 19a-490, by any municipal building department or  
263 housing code inspection department, any local or district health  
264 department, or any other department charged with the enforcement of  
265 ordinances or laws regulating the erection, construction, alteration,  
266 maintenance, sanitation, ventilation or occupancy of such buildings;  
267 and

268 (3) The names of firms obtaining bid documents from any state  
269 agency.

270 Sec. 2. Subsection (d) of section 4b-91 of the general statutes is  
271 repealed and the following is substituted in lieu thereof (*Effective from*  
272 *passage*):

273 (d) On and after October 1, 2004, each bid submitted for a contract  
274 described in subsection (c) of this section shall include a copy of a  
275 prequalification certificate issued by the Commissioner of  
276 Administrative Services. The bid shall also be accompanied by an  
277 update statement in such form as the Commissioner of Administrative  
278 Services prescribes. The form for such update statement shall provide  
279 space for information regarding all bonded projects completed by the  
280 bidder since the date the bidder's prequalification certificate was  
281 issued or renewed, all bonded projects the bidder currently has under  
282 contract, including the percentage of work on such projects not  
283 completed, the names and qualifications of the personnel who will  
284 have supervisory responsibility for the performance of the contract,  
285 any significant changes in the bidder's financial position or corporate  
286 structure since the date the certificate was issued or renewed, any  
287 change in the contractor's qualification status as determined by the  
288 provisions of subdivision (6) of subsection (c) of section 4a-100 and  
289 such other relevant information as the Commissioner of  
290 Administrative Services prescribes. Any bid submitted without a copy  
291 of the prequalification certificate and an update statement shall be  
292 invalid. Any public agency that accepts a bid submitted without a  
293 copy of such prequalification certificate and an update statement, as  
294 required by this section, shall be ineligible for the receipt of any state  
295 funds disbursed for the purpose of the construction, reconstruction,  
296 alteration, remodeling, repair or demolition of any public building or  
297 any public works project.

298 Sec. 3. Subsections (a) to (f), inclusive, of section 4a-100 of the  
299 general statutes are repealed and the following is substituted in lieu  
300 thereof (*Effective from passage*):

301 (a) As used in this section: (1) "Prequalification" means  
302 prequalification issued by the Commissioner of Administrative

303 Services to bid on a contract for the construction, reconstruction,  
304 alteration, remodeling, repair or demolition of any public building for  
305 work by the state or a municipality; (2) "subcontractor" means a person  
306 who performs work with a value in excess of twenty-five thousand  
307 dollars for a contractor pursuant to a contract for work for the state or  
308 a municipality which is estimated to cost more than five hundred  
309 thousand dollars; (3) "principals and key personnel" includes officers,  
310 directors, shareholders, members, partners and managerial employees;  
311 (4) "aggregate work capacity rating" means the maximum amount of  
312 work an applicant is capable of undertaking for any and all projects;  
313 and (5) "single project limit" means the highest estimated cost of a  
314 single project that an applicant is capable of undertaking.

315 (b) (1) Any person may apply for prequalification to the Department  
316 of Administrative Services. Such application shall be made on such  
317 form as the Commissioner of Administrative Services prescribes and  
318 shall be accompanied by a nonrefundable application fee as set forth in  
319 subdivision (2) of this subsection. The application shall be signed  
320 under penalty of false statement.

321 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

322 (c) The application form shall, at a minimum, require the applicant  
323 to supply information concerning:

324 (1) The applicant's form of organization;

325 (2) The applicant's principals and key personnel and any names  
326 under which the applicant, principals or key personnel conducted  
327 business during the past five years;

328 [(3) The applicant's experience on public and private construction  
329 projects over the past five years, or on the applicant's ten most  
330 recently-completed projects and the names of any subcontractors used  
331 on the projects;]

332 [(4)] (3) Any legal or administrative proceedings pending or  
333 concluded adversely against the applicant or any of the applicant's  
334 principals or key personnel within the past five years which relate to  
335 the procurement or performance of any public or private construction  
336 contract and whether the applicant is aware of any investigation  
337 pending against the applicant or any principal or key personnel;

338 [(5)] (4) The nature of any financial, personal or familial relationship  
339 between the applicant and any public or private construction project  
340 owner listed on the application as constituting construction experience;

341 [(6)] (5) A statement of whether (A) the applicant has been  
342 disqualified pursuant to section 4b-95, this section or section 31-57c or  
343 31-57d, (B) the applicant is on the list distributed by the Labor  
344 Commissioner pursuant to section 31-57a, (C) the applicant is  
345 disqualified or prohibited from being awarded a contract pursuant to  
346 section 31-57b, (D) the applicant has been disqualified by another state,  
347 (E) the applicant has been disqualified by a federal agency or pursuant  
348 to federal law, (F) the applicant's registration has been suspended or  
349 revoked by the Department of Consumer Protection pursuant to  
350 section 20-341gg, (G) the applicant has been disqualified by a  
351 municipality, and (H) the matters that gave rise to any such  
352 disqualification, suspension or revocation have been eliminated or  
353 remedied; and

354 [(7)] (6) Other information as the commissioner deems relevant to

355 the determination of the applicant's qualifications and responsibilities.

356 (d) The applicant shall include a statement of financial condition  
357 prepared by a certified public accountant which includes information  
358 concerning the applicant's assets and liabilities, plant and equipment,  
359 bank and credit references, bonding company and maximum bonding  
360 capacity, and other information as the commissioner deems relevant to  
361 an evaluation of the applicant's financial capacity and responsibility.

362 (e) Information contained in the application shall be current as of  
363 the time of filing except that the statement of financial condition shall  
364 pertain to the applicant's most recently-completed fiscal year.

365 (f) The commissioner shall determine whether to prequalify an  
366 applicant on the basis of the application and on relevant past  
367 performance according to procedures and criteria set forth in  
368 regulations which the commissioner shall adopt on or before October  
369 1, 2005, in accordance with chapter 54. Such criteria shall include, at a  
370 minimum, the record of the applicant's performance, including, but  
371 not limited to, written evaluations of the applicant's performance on  
372 public or private projects, [within the past five years,] the applicant's  
373 past experience on projects of various size and type, the skill, ability  
374 and integrity of the applicant and any subcontractors used by the  
375 applicant, the experience and qualifications of supervisory personnel  
376 employed by the applicant, the maximum amount of work the  
377 applicant is capable of undertaking as demonstrated by the applicant's  
378 financial condition, bonding capacity, size of past projects and present  
379 and anticipated work commitments, and any other relevant criteria  
380 that the commissioner prescribes. Such regulations shall also (1)  
381 provide that the criteria considered shall be assigned separate  
382 designated numerical values and weights and that the applicant shall  
383 be assigned an overall numerical rating on the basis of all criteria, and  
384 (2) establish prequalification classifications, aggregate work capacity  
385 ratings and single project limits. Such prequalification classifications  
386 shall be used to establish the types of work a contractor is qualified to  
387 perform and the aggregate work capacity ratings shall be used to

388 establish the maximum amount of work a contractor is capable of  
389 undertaking.

390 Sec. 4. Subdivision (8) of section 4-37f of the general statutes is  
391 repealed and the following is substituted in lieu thereof (*Effective*  
392 *October 1, 2005*):

393 (8) [A] (A) Except as otherwise provided in this subparagraph, a  
394 foundation which has in any of its fiscal years receipts and earnings  
395 from investments totaling one hundred thousand dollars per year or  
396 more shall have completed on its behalf for such fiscal year a full audit  
397 of the books and accounts of the foundation. [A] Except as otherwise  
398 provided in this subparagraph, a foundation which has receipts and  
399 earnings from investments totaling less than one hundred thousand  
400 dollars in each fiscal year during any three of its consecutive fiscal  
401 years beginning October 1, 1986, shall have completed on its behalf for  
402 the third fiscal year in any such three-year period a full audit of the  
403 books and accounts of the foundation. In the case of a foundation that  
404 is established for a constituent unit of the state system of higher  
405 education or a public institution of higher education, the audit  
406 completed pursuant to this subparagraph shall be limited to an audit  
407 of the private funds deposited in such foundation. For each fiscal year  
408 in which an audit is not required pursuant to this [subdivision]  
409 subparagraph financial statements shall be provided by the foundation  
410 to the executive authority of the state agency. Each audit under this  
411 [subdivision] subparagraph shall be conducted [(A)] (i) by an  
412 independent certified public accountant or, if requested by the state  
413 agency with the consent of the foundation, the Auditors of Public  
414 Accounts, and [(B)] (ii) in accordance with generally accepted auditing  
415 standards. The audit report shall include financial statements, a  
416 management letter and an audit opinion which address the  
417 conformance of the operating procedures of the foundation with the  
418 provisions of sections 4-37e to 4-37i, inclusive, and recommend any  
419 corrective actions needed to ensure such conformance. Each audit  
420 report shall disclose the receipt or use by the foundation of any public  
421 funds in violation of said sections or any other provision of the general

422 statutes. The foundation shall provide a copy of each audit report  
423 completed pursuant to this subdivision to the executive authority of  
424 the state agency. Each financial statement required under this  
425 [subdivision] subparagraph shall include, for the fiscal year to which  
426 the statement applies, the total receipts and earnings from investments  
427 of the foundation and the amount and purpose of each receipt of funds  
428 by the state agency from the foundation. As used in this subdivision,  
429 "fiscal year" means any twelve-month period adopted by a foundation  
430 as its accounting year.

431 (B) On and after October 1, 2005, a foundation that is established for  
432 a constituent unit of the state system of higher education or a public  
433 institution of higher education shall have completed on its behalf for  
434 the second fiscal year in any such two-year period an audit of its books  
435 and accounts relating to public funds deposited in the foundation.  
436 Such audit shall be completed by the Auditors of Public Accounts. For  
437 each fiscal year in which an audit is not required pursuant to this  
438 subparagraph, financial statements shall be provided by the  
439 foundation to the executive authority of the constituent unit or  
440 institution. The audit report shall include financial statements, a  
441 management letter and an audit opinion which address the  
442 conformance of the operating procedures of the foundation with the  
443 provisions of sections 4-37e to 4-37i, inclusive, and recommend any  
444 corrective actions needed to ensure such conformance. Each audit  
445 report shall disclose the receipt or use by the foundation of any public  
446 funds in violation of sections 4-37e to 4-37i, inclusive, or any other  
447 provision of the general statutes. Each financial statement required  
448 under this subparagraph shall include, for the fiscal year to which the  
449 statement applies, the total receipts and earnings from investments of  
450 the foundation and the amount and purpose of each receipt of funds  
451 by the constituent unit or institution from the foundation.

452 (C) Each audit of a foundation that is established for a constituent  
453 unit of the state system of higher education or a public institution of  
454 higher education, including the audit report, shall maintain the  
455 confidentiality of any donor to the foundation, regardless of whether

456 the donor has requested confidentiality under section 4-37h.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-210
Sec. 2	<i>from passage</i>	4b-91(d)
Sec. 3	<i>from passage</i>	4a-100(a) to (f)
Sec. 4	<i>October 1, 2005</i>	4-37f(8)

**GAE**      *Joint Favorable Subst.*

**LM**        *Joint Favorable*