



Substitute Senate Bill No. 1182

Public Act No. 07-213

AN ACT CONCERNING ADMINISTRATIVE PROCEDURES OF THE DEPARTMENT OF PUBLIC WORKS, AUDITING OF LARGE CONSTRUCTION CONTRACTS, ENVIRONMENTAL REVIEW OF CERTAIN LAND TRANSFERS, GRANT PAYMENTS TO MUNICIPALITIES, ADVERTISING ON STATE BUILDINGS AND CERTAIN EXEMPTIONS TO THE FREEDOM OF INFORMATION ACT.

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

Section 1. Subsection (b) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Commissioner of Public Works, the joint committee or the constituent unit, as the case may be, shall determine the manner of submission and the conditions and requirements of such bids, and the time within which the bids shall be submitted, consistent with the provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be made [within sixty] not later than ninety days after the opening of such bids. If the general bidder selected as the general contractor fails to perform the general contractor's agreement to execute a contract in accordance with the terms of the general contractor's general bid and furnish a performance bond and also a labor and materials or payment bond to the amount specified in the general bid form, an award shall

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be made to the next lowest responsible and qualified general bidder. No employee of the Department of Public Works, the joint committee or a constituent unit with decision-making authority concerning the award of a contract and no public official, as defined in section 1-79, may communicate with any bidder prior to the award of the contract if the communication results in the bidder receiving information about the contract that is not available to other bidders, except that if the lowest responsible and qualified bidder's price submitted is in excess of funds available to make an award, the Commissioner of Public Works, the Joint Committee on Legislative Management or the constituent unit, as the case may be, may negotiate with such bidder and award the contract on the basis of the funds available, without change in the contract specifications, plans and other requirements. If the award of a contract on said basis is refused by such bidder, the Commissioner of Public Works, the Joint Committee on Legislative Management or the constituent unit, as the case may be, may negotiate with other contractors who submitted bids in ascending order of bid prices without change in the contract, specifications, plans and other requirements. In the event of negotiation with general bidders as provided in this section, the general bidder involved may negotiate with subcontractors on the same basis, provided such general bidder shall negotiate only with subcontractors named on such general bidder's general bid form.

Sec. 2. Subdivision (4) of section 4-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Large state contract" means an agreement or a combination or series of agreements between a state agency or a quasi-public agency and a person, firm or corporation, having a total [cost to such state agency or quasi-public agency] value of more than five hundred thousand dollars in a calendar or fiscal year, for (A) a project for the

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construction, alteration or repair of any public building or public work, (B) services, including, but not limited to, consulting and professional services, (C) the procurement of supplies, materials or equipment, (D) a lease, or (E) a licensing arrangement. The term "large state contract" shall not include a contract between a state agency or a quasi-public agency and a political subdivision of the state.

Sec. 3. Subsection (a) of section 4b-38 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Subject to the provisions of section 4b-30 the commissioner may lease state-owned land or buildings, or both, and facilities to (1) municipalities for municipal use, or (2) private individuals or concerns for private use, when such land, buildings and facilities are otherwise not used or needed for state use and such action seems desirable to produce income or is otherwise in the public interest, provided the Treasurer has determined that such action will not affect the status of any tax-exempt obligations issued or to be issued by the state of Connecticut. [Each lease to a municipality under this subsection shall have a term of not more than twenty years.]

Sec. 4. Section 67 of public act 00-167 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding any provision of the general statutes or of any special act, including, but not limited to, the provisions of sections 4b-2 to 4b-3, inclusive, 4b-51 to 4b-58, inclusive, 4b-91 to 4b-102, inclusive, 19a-638 and 19a-939 and chapters 124 and 126 of the general statutes, or any of the provisions of any ordinance or special act of any municipality, the Commissioner of Mental Health and Addiction Services may provide a grant-in-aid to an entity which is considered to be a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal

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revenue code of the United States, as from time to time amended, for the design and construction of an addition to the Connecticut Mental Health Center in New Haven. Said grant shall be made in accordance with the terms of a contract between the Commissioner of Mental Health and Addiction Services, in consultation with the Commissioner of Public Works, and the Section 501(c)(3) nonprofit organization. Such contract shall include a provision that requires the formation of an oversight committee made up of said departments and said nonprofit organization. The oversight committee shall meet not less than once per month and shall be kept fully informed of the progress of design and construction of said addition. Such committee shall have access to all documents and materials in the possession or under the control of the nonprofit organization and any of its agents, contractors or consultants, including, but not limited to, project budgets. Such committee shall approve any legal documents and related materials concerning the design and construction of the project and the project budget. The nonprofit organization shall be solely responsible for the selection of any design consultants and any construction contractor. The design and construction of the addition, including the method of construction management, shall be in accordance with the terms and conditions of the contract between the Commissioner of Mental Health and Addiction Services, in consultation with the Department of Public Works, and the Section 501(c)(3) nonprofit organization.

Sec. 5. Section 16a-38k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, any new construction of a state facility, except salt sheds, parking garages, maintenance facilities or school construction, that is projected to cost five million dollars or more, and [is approved and funded] for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2007, shall comply with or exceed

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compliance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program until the regulations [adopted pursuant to] described in subsection (b) of this section are adopted. The Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works and the Institute for Sustainable Energy, shall exempt any facility from complying with said regulations if said secretary finds, in a written analysis, that the cost of such compliance significantly outweighs the benefits. Nothing in this section shall be construed to require the redesign of any new construction of a state facility that is designed in accordance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, provided the design for such facility was initiated or completed prior to the adoption of the regulations described in subsection (b) of this section.

(b) Not later than January 1, 2007, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works, the Commissioner of Environmental Protection and the Commissioner of Public Safety, shall adopt regulations, in accordance with the provisions of chapter 54, to adopt state building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such

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regulations as the secretary deems necessary.

Sec. 6. Subsection (a) of section 49-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Each contract exceeding one hundred thousand dollars in amount for the construction, alteration or repair of any public building or public work of the state or a municipality shall include a provision that the person to perform the contract shall furnish to the state or municipality on or before the award date, a bond in the amount of the contract which shall be binding upon the award of the contract to that person, with a surety or sureties satisfactory to the officer awarding the contract, for the protection of persons supplying labor or materials in the prosecution of the work provided for in the contract for the use of each such person, provided no such bond shall be required to be furnished (1) in relation to any general bid in which the total estimated cost of labor and materials under the contract with respect to which such general bid is submitted is less than [fifty] one hundred thousand dollars, (2) in relation to any sub-bid in which the total estimated cost of labor and materials under the contract with respect to which such sub-bid is submitted is less than [fifty] one hundred thousand dollars, or (3) in relation to any general bid or sub-bid submitted by a consultant, as defined in section 4b-55. Any such bond furnished shall have as principal the name of the person awarded the contract.

Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Prior to the sale or transfer of state land or any interest in state land by a state agency, department or institution, such agency, department or institution shall provide notice of such sale or transfer to the Council on Environmental Quality, the Secretary of the Office of Policy and Management and the Commissioner of Environmental Protection on a form approved by the Council on Environmental Quality. Such notice shall be published in the Environmental Monitor and shall provide for a written public

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comment period of thirty days following publication of such notice, during which the public and state agencies may submit comments to the Secretary of the Office of Policy and Management. Such comments may include, but shall not be limited to, significant natural and recreational resources on such land and recommend means to preserve such natural or recreational resources. The Secretary of the Office of Policy and Management, in consultation with the Commissioner of Environmental Protection, shall (1) respond to any written comments received during such thirty-day comment period, and (2) publish such written comments along with the Office of Policy and Management's response to such written comments in the Environmental Monitor for a period of not less than fifteen days prior to the sale or transfer of the land.

(b) The Commissioner of Environmental Protection shall develop a policy for reviewing notices received from a state agency, department or institution, as described in subsection (a) of this section, and making a draft recommendation to the Secretary of the Office of Policy and Management as to whether all or a portion of the land or land interest referenced in such notice should be preserved by (1) transferring the land or land interest or granting a conservation easement therein to the Department of Environmental Protection, (2) imposing restrictions or conditions upon the transfer of the land or land interest, or (3) transferring all or a portion of the land or land interest, or granting a conservation easement interest therein, to an appropriate third party. Any such recommendations shall be accompanied by a report explaining the basis of the recommendations and shall include, where appropriate, a natural resource inventory. Such recommendations and report shall be published in the Environmental Monitor and shall provide for a written public comment period of thirty days following publication of such notice. The Commissioner of Environmental Protection shall (A) respond to any written comments received during such thirty-day comment period, (B) make a final recommendation to

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the Secretary of the Office of Policy and Management, and (C) publish such written comments along with the Department of Environmental Protection's response to such written comments including the department's final recommendation to the secretary in the Environmental Monitor. Following receipt of the final recommendation of the Commissioner of Environmental Protection, the Secretary of the Office of Policy and Management shall make the final determination as to the ultimate disposition of the land or interest. Such determination shall be published in the Environmental Monitor for a period of not less than fifteen days prior to the sale or transfer of such land or interest.

(c) Nothing in this section shall be construed to:

(1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, of the general statutes, with respect to the sale or transfer of state land or any interest in state land, except that if an environmental impact evaluation was prepared pursuant to sections 22a-1b and 22a-1c of the general statutes or an environmental statement was prepared for such state land or interest in state land pursuant to any other state or federal law or regulation, as specified in section 22a-1f of the general statutes, such state agency, department or institution shall be exempt from the notice and public comment requirements set forth in subsections (a) and (b) of this section;

(2) Affect any purchase and sale agreement entered into between the state and any second party that was in effect prior to the effective date of this section or any subsequent sale, transfer, easement, lease or other such agreement made pursuant to any such purchase and sale agreement;

(3) Apply to the conveyance of any parcel of state land or any interest in state land pursuant to an act of the General Assembly;

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(4) Apply to the sale or transfer of state lands between state agencies;

(5) Apply to any easement that is granted to a municipality or a regulated utility or utilities that (A) primarily benefits the state or an agency or institution of the state, (B) is ordered as the result of a state or federal regulatory process or proceeding, or (C) is necessary as a result of the construction or reconstruction of any Department of Transportation highway or facility;

(6) Apply to the sale or transfer of state land or an interest in state land that was designated as surplus, pursuant to subsections (b) and (c) of section 4b-21 of the general statutes prior to the effective date of this section, provided the provisions of this section were complied with at the time of such designation;

(7) Apply to the transfer of ten acres or less by the Department of Transportation or the Department of Education;

(8) Limit state agency or public comments to a particular subject matter area;

(9) Limit the publication of any public notifications, comments or reports that are required under this section solely to the Environmental Monitor; or

(10) Limit the solicitation of public comment solely to the Environmental Monitor.

Sec. 8. (NEW) (*Effective October 1, 2007*) There is established, within the General Fund, a separate, nonlapsing account to be known as the "environmental review account." The account may contain any moneys required or allowed by law to be deposited in the account, including, but not limited to, moneys from the sale of state properties not otherwise specially designated for deposit into the General Fund or

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any other account. Such account may contain up to a maximum of one hundred thousand dollars. Any balance remaining in the account at the end of any fiscal year shall be carried forward in the account for the fiscal year next succeeding. Payments from the account shall be made upon authorization from the Commissioner of Environmental Protection. All moneys in the account shall be used for the exclusive purposes of (1) preparing or implementing recommendations and reports by the Department of Environmental Protection or a state agency, department or institution pursuant to subsections (a) and (b) of section 7 of this act, or (2) preparing or reviewing environmental impact evaluations, in accordance with the provisions of sections 22a-1b and 22a-1d of the general statutes.

Sec. 9. Subsections (c) and (d) of section 7-522 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Upon recommendation by the Local Emergency Relief Advisory Committee of approval of an application for an emergency relief grant, and upon approval of such recommendation by the Finance Advisory Committee, under subsection (b) of this section, the Secretary of the Office of Policy and Management shall certify to the Comptroller the amount due to the municipality. Not later than [~~fifteen~~] five business days after such certification, the Comptroller shall draw his or her order on the Treasurer, ~~[and, not later than fifteen days thereafter, the Treasurer]~~ who shall pay the grant to the municipality.

(d) In the case of an emergency relief grant, the proceeds of which shall be used to satisfy a local matching requirement for federal assistance under the federal Disaster Relief Act, upon approval by the Secretary of the Office of Policy and Management of a completed federal disaster assistance application, the secretary shall certify to the Comptroller the amount due to the municipality. Not later than [~~fifteen~~] five business days after such certification, the Comptroller

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shall draw his or her order on the Treasurer, [and, not later than fifteen days thereafter, the Treasurer] who shall pay the grant to the municipality.

Sec. 10. Subsection (g) of section 7-536 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Each municipality may apply to the secretary for expense reimbursement at the time it submits a local capital improvement project authorization request or any time after such authorization request has been approved by the secretary. The application for expense reimbursement shall be submitted on a form prescribed by the secretary and shall contain identification of the expenses for which reimbursement is sought and certification from the municipality that: (1) Expenditures for the project conform to the provisions of subdivision (4) of subsection (a) of this section and the municipality is entitled to the reimbursement requested in the application; and (2) the municipality agrees to maintain detailed accounting records of the project reflecting the expenditures for which reimbursement has been requested and to make such records available to its independent auditor and the state. The municipality shall provide any other certification required by the secretary. Not later than [~~fifteen~~] five business days after such certification, the Comptroller shall draw his or her order on the Treasurer, [and, not later than fifteen days thereafter, the Treasurer] who shall pay the grant to the municipality.

Sec. 11. Subsection (d) of section 7-608 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) There is created a neighborhood revitalization zone grant-in-aid program to be administered by the Secretary of the Office of Policy and Management, for the purpose of providing financial assistance for the

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benefit of neighborhood revitalization zone planning committees. Such financial assistance, within available appropriations, shall be used for activities that promote neighborhood organizational development, economic development and business planning, specialized curriculum development, leadership training, the use of technology, property management, landlord-tenant relations, intergovernmental relations and such other activities as the board may deem appropriate. The secretary shall review recommendations regarding the disbursement of moneys made by the board and shall make a determination concerning the awarding of such financial assistance. Upon making a determination, the secretary shall certify to the State Comptroller the amount payable and the recipient of such grant. Not later than [fifteen] five business days after such certification, the State Comptroller shall draw his or her order on the State Treasurer, [and not later than fifteen days thereafter, the State Treasurer] who shall pay such grant. The secretary shall not certify a grant in an amount exceeding ten thousand dollars.

Sec. 12. Subsection (d) of section 12-62f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Upon approval of an application for state financial assistance, the secretary shall certify to the Comptroller the amount due to the municipality. Not later than [fifteen] five business days after such certification, the Comptroller shall draw his or her order on the Treasurer, [and not later than fifteen days thereafter, the Treasurer] who shall pay the grant to the municipality.

Sec. 13. (NEW) (*Effective from passage*) Notwithstanding any provision of the general statutes, the Comptroller may appoint such assistant comptrollers as necessary for the efficient conduct of the business of the Comptroller. Such assistant comptrollers shall be in the unclassified service and may be removed by the Comptroller.

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Sec. 14. (NEW) (*Effective from passage*) Not later than February 1, 2008, the Commissioner of Public Works, within available resources, shall make recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to government administration concerning: (1) The placement of commercial advertisements upon state buildings, facilities, stadiums, arenas or theaters by advertisers or sponsors, and (2) the granting of naming rights to any such advertiser or sponsor for any such state building, facility, stadium, arena or theater.

Sec. 15. Section 4b-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be established within the Department of Public Works [a] State Construction Services Selection [Panel] Panels which shall consist of five members. Four of such members shall be appointed by the commissioner, shall serve only for deliberations involving the project for which such members are appointed, and shall be current or retired employees of the Department of Public Works. [and shall serve for terms of one year from July first.] The remaining member shall be appointed by the head or acting head of the user agency and shall serve only for deliberations involving the project for which [he was] such member is appointed. [If any vacancy occurs on the panel, the commissioner shall appoint a person for the unexpired term in accordance with the provisions of this subsection.]

(b) The selection [panel] panels shall not be deemed to be a board or commission within the meaning of section 4-9a.

(c) There shall be established within the Department of Public Works [a] Connecticut Health and Education Facilities Authority Construction Services [Panel] Panels which shall consist of five members. [Three of whom] Three of such members shall be appointed by the Commissioner of Public Works, shall serve only for

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deliberations involving the project for which such members are appointed and shall be current employees of the Department of Public Works. [; and the] The remaining members shall be appointed by the head or acting head of the user agency and shall serve only for deliberations involving the project for which such [member was] members are appointed. [The members of the selection panel appointed by the Commissioner of Public Works shall serve for terms of one year from July first. If any vacancy occurs on the panel, the Commissioner of Public Works or the head or acting head of the user agency, as appropriate, shall appoint a person for the unexpired term in accordance with the provisions of this subsection.]

(d) The [panel] panels established pursuant to subsection (c) of this section shall not be deemed to be a board or commission within the meaning of section 4-9a. Such [panel] panels shall be the selection [panel] panels only for Connecticut Health and Education Facilities Authority projects pursuant to section 10a-89b.

Sec. 16. Subsections (a) and (b) of section 4b-100a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Public Works shall establish construction services award panels which shall each consist of six members. [; Three of whom] Three of such members shall be appointed by the Commissioner of Public Works, [and] shall be current employees of the Department of Public Works [; two of whom] and shall serve only for deliberations involving the project for which such members are appointed. Two members shall be appointed by the department head of the user agency [;] and one [of whom who] member shall be a neutral party appointed by the commissioner. [The members of each award panel appointed by the Commissioner of Public Works shall serve for terms of one year from July first. If any vacancy occurs on the panel, the Commissioner of Public Works or the head or acting head of

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the user agency, as appropriate, shall appoint a person for the unexpired term in accordance with the provisions of this subsection.]

(b) A panel established pursuant to this section shall not be deemed to be a board or commission within the meaning of section 4-9a. Such panels shall be the award panels for any contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for the state pursuant to [sections 4b-91 to 4b-100, inclusive,] subsection (g) of section 4b-91 and section 4b-24.

Sec. 17. Subsection (d) of section 4b-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(d) [(1)] Notwithstanding any provision of the general statutes, [to the contrary,] the Commissioner of Public Works [shall select, subject to the provisions of this subsection, consultants for projects authorized under subsection (b) of this section from a list approved by said commissioner. Fees for such consultant services shall not exceed fifty thousand dollars, except that, in the case of a project of a constituent unit of the state system of higher education, fees for such services shall not exceed three hundred thousand dollars] may select consultants to be on a list established for the purpose of providing any consultant services. Such list shall be established as provided in sections 4b-56 and 4b-57, as amended by this act. The commissioner may enter into a contract with any consultant on such list to perform a range of consultant services or to perform a range of tasks pursuant to a task letter detailing services to be performed under such contract. As used in this subsection, "consultant" means "consultant" as defined in section 4b-55, as amended by this act, and "consultant services" means "consultant services" as defined in section 4b-55, as amended by this act.

[(2)] Individuals may apply to the commissioner to be included in

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the list of consultants. Such application shall be on such form as the commissioner prescribes. At least twice a year, the commissioner shall invite requests for inclusion in the list by advertising in (A) one or more newspapers having a circulation in each county in this state, and (B) publications that are marketed to small businesses in this state.]

Sec. 18. Subsection (g) of section 4b-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) "Project" means any state program requiring consultant services if [(1)] the cost of such services is estimated to exceed [fifty thousand dollars or, in the case of a constituent unit of the state system of higher education, the cost of such services is estimated to exceed] three hundred thousand dollars. [, and (2) the construction costs in connection with such program are estimated to exceed five hundred thousand dollars; or, in the case of a constituent unit of the state system of higher education, other than The University of Connecticut, the construction costs in connection with such program are estimated to exceed two million dollars.]

Sec. 19. Section 4b-56 of the general statutes is amended by adding subsections (e) and (f) as follows (*Effective from passage*):

(NEW) (e) There shall be established, within the Department of Public Works, a State Construction Services Selection Panel that shall consist of five members. Such members shall be appointed by the commissioner, shall be current employees of the Department of Public Works or any agency for which consultant services may be contracted, and shall serve only for deliberations involving the selection of consultants under subsection (d) of section 4b-51, as amended by this act, for which the employees are appointed.

(NEW) (f) The panel established pursuant to subsection (e) of this

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section shall not be deemed to be a board or commission within the meaning of section 4-9a.

Sec. 20. Section 4b-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever consultant services are required by the commissioner in fulfilling [his] the responsibilities under section 4b-1, and in the case of each project, the commissioner shall invite responses from such firms by advertisements inserted at least once in one or more newspapers having a circulation in each county in the state except that the commissioner may receive consultant services under a contract entered into pursuant to subsection (d) of section 4b-51, as amended by this act. The commissioner shall prescribe, by regulations adopted in accordance with chapter 54, the advance notice required for, the manner of submission, and conditions and requirements of, such responses.

(b) In the case of a project, the responses received shall be considered by the selection panel. The panel shall select from among those responding no fewer than three firms, which such panel determines in accordance with criteria established by the commissioner are most qualified to perform the required consultant services. In the case of any project that requires consultant services by an architect or professional engineer, additional criteria to be considered by such panel in selecting a list of the most qualified firms shall include: (1) Such firm's knowledge of this state's building and fire codes, and (2) the geographic location of such firm in relation to the geographic location of the proposed project. The selection panel shall submit a list of the most qualified firms to the commissioner for the commissioner's consideration unless fewer than three responses for a particular project have been received, in which case the panel shall submit the names of all firms who have submitted responses.

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(c) In the case of consultants selected under subsection (d) of section 4b-51, as amended by this act, the responses received shall be considered by the selection panel. The panel shall select, from among those persons responding, a list of those persons most qualified to perform the consultant services. Knowledge of the state building and fire code shall be considered in determining a consultant's qualifications.

Sec. 21. Subsection (i) of section 4b-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(i) As used in this subsection, (1) "project" means any state program, except the downtown Hartford higher education center project, as defined in subsection (l) of section 4b-55, requiring consultant services if [(A)] the cost of such services is estimated to exceed [fifty] one hundred thousand dollars or, in the case of a constituent unit of the state system of higher education, the cost of such services is estimated to exceed three hundred thousand dollars; [, or (B) (i) the construction costs in connection with such program are estimated to exceed five hundred thousand dollars or, in the case of a constituent unit of the state system of higher education, other than The University of Connecticut, the construction costs in connection with such program are estimated to exceed two million dollars, and (ii) the cost of a consultant services contract for such program exceeds twenty thousand dollars or the cost of an amendment to a consultant services contract makes the total cost of the amendment, all previous amendments to such contract and the contract exceed twenty thousand dollars for the first time;] (2) "consultant" means "consultant" as defined in section 4b-55, as amended by this act; and (3) "consultant services" means "consultant services" as defined in section 4b-55, as amended by this act. Any [consultant selected by the commissioner, and any] contracts entered into by the commissioner with any

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consultants for employment [, on] (A) for any project under the provisions of this section, (B) in connection with a list established under subsection (d) of section 4b-51, as amended by this act, or (C) by task letter issued by the commissioner to any consultant on such list pursuant to which the consultant will provide services valued in excess of one hundred thousand dollars, shall be subject to the approval of the Properties Review Board prior to the employment of said consultant or consultants by the commissioner. The Properties Review Board shall, within thirty days, approve or disapprove the selection of or contract with any consultant made by the Commissioner of Public Works pursuant to sections 4b-1 and 4b-55 to 4b-59, inclusive, as amended by this act. If upon the expiration of the thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such selection or contract.

Sec. 22. Subsection (b) of section 1-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

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

(3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the

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identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) signed statements of witnesses, (C) information to be used in a prospective law enforcement action if prejudicial to such action, (D) investigatory techniques not otherwise known to the general public, (E) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (F) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or (G) uncorroborated allegations subject to destruction pursuant to section 1-216;

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

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

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

(6) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or

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academic examinations;

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Engineering and architectural drawings of correctional

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institutions or facilities or Whiting Forensic Division facilities;

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

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

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

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

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

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

(19) Records when there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility, except that such records shall be disclosed to a law enforcement agency upon the request of the law enforcement agency. Such reasonable grounds shall be determined (A) with respect

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to records concerning any executive branch agency of the state or any municipal, district or regional agency, by the Commissioner of Public Works, after consultation with the chief executive officer of the agency; (B) with respect to records concerning Judicial Department facilities, by the Chief Court Administrator; and (C) with respect to records concerning the Legislative Department, by the executive director of the Joint Committee on Legislative Management. As used in this section, "government-owned or leased institution or facility" includes, but is not limited to, an institution or facility owned or leased by a public service company, as defined in section 16-1, a certified telecommunications provider, as defined in section 16-1, a water company, as defined in section 25-32a, or a municipal utility that furnishes electric, gas or water service, but does not include an institution or facility owned or leased by the federal government, and "chief executive officer" includes, but is not limited to, an agency head, department head, executive director or chief executive officer. Such records include, but are not limited to:

(i) Security manuals or reports;

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

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

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

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

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

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

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

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

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

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

(22) The electronic mail address of any person that is obtained by the Department of Transportation in connection with the implementation or administration of any plan to inform individuals about significant highway or railway incidents;

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(23) The name or address of any minor enrolled in any parks and recreation program administered or sponsored by any public agency;

(24) Responses to any request for proposals or bid solicitation issued by a public agency or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.

Sec. 23. Subsection (c) of section 1-225 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) The agenda of the regular meetings of every public agency, except for the General Assembly, shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer, (1) in such agency's regular office or place of business, [or, if there is no such office or place of business,] and (2) in the office of the Secretary of the State for any such public agency of the state, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state or in the office of the clerk of each municipal member of any multitown district or agency. For any such public agency of the state, such agenda shall be posted on the public agency's and the Secretary of the State's web sites. Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

Sec. 24. (NEW) (*Effective from passage*) In accordance with the provisions of title 4b of the general statutes, the Commissioner of Public Works may provide design and construction services for the

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design, construction, renovation, repair or improvement of a tunnel roadway owned by the city of New Haven. The provision of such design and construction services shall be made in connection with the construction of the consolidated campus of Gateway Community College. The Commissioner of Public Works may accept funds from the city of New Haven for the cost of providing such design and construction services and for any related administrative costs incurred by the state.

Approved July 10, 2007