



General Assembly

**Substitute Bill No. 1182**

January Session, 2007

\* \_\_\_\_\_ SB01182APP \_\_ 050407 \_\_\_\_\_ \*

**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:

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2 repealed and the following is substituted in lieu thereof (*Effective from*  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

4 (b) The Commissioner of Public Works, the joint committee or the  
5 constituent unit, as the case may be, shall determine the manner of  
6 submission and the conditions and requirements of such bids, and the  
7 time within which the bids shall be submitted, consistent with the  
8 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be  
9 made [within sixty] not later than ninety days after the opening of such  
10 bids. If the general bidder selected as the general contractor fails to  
11 perform the general contractor's agreement to execute a contract in  
12 accordance with the terms of the general contractor's general bid and  
13 furnish a performance bond and also a labor and materials or payment  
14 bond to the amount specified in the general bid form, an award shall  
15 be made to the next lowest responsible and qualified general bidder.  
16 No employee of the Department of Public Works, the joint committee

17 or a constituent unit with decision-making authority concerning the  
18 award of a contract and no public official, as defined in section 1-79,  
19 may communicate with any bidder prior to the award of the contract if  
20 the communication results in the bidder receiving information about  
21 the contract that is not available to other bidders, except that if the  
22 lowest responsible and qualified bidder's price submitted is in excess  
23 of funds available to make an award, the Commissioner of Public  
24 Works, the Joint Committee on Legislative Management or the  
25 constituent unit, as the case may be, may negotiate with such bidder  
26 and award the contract on the basis of the funds available, without  
27 change in the contract specifications, plans and other requirements. If  
28 the award of a contract on said basis is refused by such bidder, the  
29 Commissioner of Public Works, the Joint Committee on Legislative  
30 Management or the constituent unit, as the case may be, may negotiate  
31 with other contractors who submitted bids in ascending order of bid  
32 prices without change in the contract, specifications, plans and other  
33 requirements. In the event of negotiation with general bidders as  
34 provided in this section, the general bidder involved may negotiate  
35 with subcontractors on the same basis, provided such general bidder  
36 shall negotiate only with subcontractors named on such general  
37 bidder's general bid form.

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

41 (4) "Large state contract" means an agreement or a combination or  
42 series of agreements between a state agency or a quasi-public agency  
43 and a person, firm or corporation, having a total [cost to such state  
44 agency or quasi-public agency] value of more than five hundred  
45 thousand dollars in a calendar or fiscal year, for (A) a project for the  
46 construction, alteration or repair of any public building or public work,  
47 (B) services, including, but not limited to, consulting and professional  
48 services, (C) the procurement of supplies, materials or equipment, (D)  
49 a lease, or (E) a licensing arrangement. The term "large state contract"  
50 shall not include a contract between a state agency or a quasi-public

51 agency and a political subdivision of the state.

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

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

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

67 Notwithstanding any provision of the general statutes or of any  
68 special act, including, but not limited to, the provisions of sections 4b-2  
69 to 4b-3, inclusive, 4b-51 to 4b-58, inclusive, 4b-91 to 4b-102, inclusive,  
70 19a-638 and 19a-939 and chapters 124 and 126 of the general statutes,  
71 or any of the provisions of any ordinance or special act of any  
72 municipality, the Commissioner of Mental Health and Addiction  
73 Services may provide a grant-in-aid to an entity which is considered to  
74 be a nonprofit organization under Section 501(c)(3) of the Internal  
75 Revenue Code of 1986, or any subsequent corresponding internal  
76 revenue code of the United States, as from time to time amended, for  
77 the design and construction of an addition to the Connecticut Mental  
78 Health Center in New Haven. Said grant shall be made in accordance  
79 with the terms of a contract between the Commissioner of Mental  
80 Health and Addiction Services, in consultation with the Commissioner  
81 of Public Works, and the Section 501(c)(3) nonprofit organization. Such  
82 contract shall include a provision that requires the formation of an

83 oversight committee made up of said departments and said nonprofit  
84 organization. The oversight committee shall meet not less than once  
85 per month and shall be kept fully informed of the progress of design  
86 and construction of said addition. Such committee shall have access to  
87 all documents and materials in the possession or under the control of  
88 the nonprofit organization and any of its agents, contractors or  
89 consultants, including, but not limited to, project budgets. Such  
90 committee shall approve any legal documents and related materials  
91 concerning the design and construction of the project and the project  
92 budget. The nonprofit organization shall be solely responsible for the  
93 selection of any design consultants and any construction contractor.  
94 The design and construction of the addition, including the method of  
95 construction management, shall be in accordance with the terms and  
96 conditions of the contract between the Commissioner of Mental Health  
97 and Addiction Services, in consultation with the Department of Public  
98 Works, and the Section 501(c)(3) nonprofit organization.

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

101 (a) Notwithstanding any provision of the general statutes, any new  
102 construction of a state facility, except salt sheds, parking garages,  
103 maintenance facilities or school construction, that is projected to cost  
104 five million dollars or more, and [is approved and funded] for which  
105 all budgeted project bond funds are allocated by the State Bond  
106 Commission on or after January 1, 2007, shall comply with or exceed  
107 compliance with the silver building rating of the Leadership in Energy  
108 and Environmental Design's rating system for new commercial  
109 construction and major renovation projects, as established by the  
110 United States Green Building Council, or an equivalent standard,  
111 including, but not limited to, a two-globe rating in the Green Globes  
112 USA design program until the regulations [adopted pursuant to]  
113 described in subsection (b) of this section are adopted. The Secretary of  
114 the Office of Policy and Management, in consultation with the  
115 Commissioner of Public Works and the Institute for Sustainable  
116 Energy, shall exempt any facility from complying with said regulations

117 if said secretary finds, in a written analysis, that the cost of such  
118 compliance significantly outweighs the benefits. Nothing in this  
119 section shall be construed to require the redesign of any new  
120 construction of a state facility that is designed in accordance with the  
121 silver building rating of the Leadership in Energy and Environmental  
122 Design's rating system for new commercial construction and major  
123 renovation projects, as established by the United States Green Building  
124 Council, or an equivalent standard, including, but not limited to, a  
125 two-globe rating in the Green Globes USA design program, provided  
126 the design for such facility was initiated or completed prior to the  
127 adoption of the regulations described in subsection (b) of this section.

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

140 Sec. 6. Subsection (b) of section 4b-53 of the general statutes is  
141 repealed and the following is substituted in lieu thereof (*Effective from*  
142 *passage*):

143 (b) The State Bond Commission, in the allocation of proceeds of  
144 state bonds for purposes of the design, construction, reconstruction or  
145 remodeling of any state building, shall allocate for works of art, with  
146 respect to each such project and for the purposes of subsection (c) of  
147 this section, an amount from such proceeds not less than one per cent  
148 of the total estimated cost of such design, construction, reconstruction  
149 or remodeling, exclusive of (1) the cost of any land acquisition, (2) any

150 nonconstruction costs including the cost of such work of art, and (3)  
151 any augmentations to such cost, provided any such allocation for work  
152 of art as provided in this section must be approved, prior to  
153 authorization of such allocation by the State Bond Commission, by the  
154 Commissioner of Public Works in consultation with the Connecticut  
155 Commission on Culture and Tourism. Such allocation may be used to  
156 reimburse any artist, artisan, craftsperson or person who creates a  
157 work of art, for proposal development expenses when the Connecticut  
158 Commission on Culture and Tourism requests such proposal  
159 development or to compensate persons who, at the request of the  
160 Connecticut Commission on Culture and Tourism determine whether  
161 such works of art require proposal development.

162 Sec. 7. Subsection (a) of section 49-41 of the general statutes is  
163 repealed and the following is substituted in lieu thereof (*Effective*  
164 *October 1, 2007*):

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

184       Sec. 8. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any  
185 provision of the general statutes, the Auditors of Public Accounts shall  
186 appoint an inspector to monitor all state construction and  
187 reconstruction projects with a value of fifty million dollars or more.  
188 Such inspector shall be a professional engineer licensed by the state  
189 and may not be employed by the state agency that is undertaking such  
190 project or any contractor or subcontractor on such project. The  
191 Auditors of Public Accounts shall determine the number of hours that  
192 such inspector shall spend monitoring any given project. Any costs  
193 relating to such inspector shall be paid from funds allocated for such  
194 project.

195       (b) Any monitoring activities described in subsection (a) of this  
196 section shall begin upon the selection of the successful bidder for such  
197 project and shall terminate upon the completion of such project. Such  
198 inspector shall review the implementation of the project and shall  
199 make recommendations to the Auditors of Public Accounts concerning  
200 such project to assure that state funds are used efficiently and  
201 effectively in connection with such project. Not less than twice per  
202 year, such inspector shall file a written report concerning any such  
203 monitoring activities with the Auditors of Public Accounts.

204       Sec. 9. (NEW) (*Effective October 1, 2007*) (a) Prior to the sale or  
205 transfer of state land or any interest in state land by a state agency,  
206 department or institution, such agency, department or institution shall  
207 provide notice of such sale or transfer to the Council on Environmental  
208 Quality and the Commissioner of Environmental Protection on a form  
209 approved by the Council on Environmental Quality. Such notice shall  
210 be published in the Environmental Monitor and shall provide for a  
211 written public comment period of thirty days following publication of  
212 such notice, during which the public and state agencies may submit  
213 comments regarding significant natural and recreational resources on  
214 such land and the appropriate means to preserve such natural or  
215 recreational resources. The agency, department or institution that  
216 intends to sell or transfer such state land, or interest in such state land,  
217 in consultation with the Commissioner of Environmental Protection,

218 shall (1) respond to any written comments received during such thirty-  
219 day comment period, and (2) publish such written comments along  
220 with such agency's, department's or institution's response to such  
221 written comments in the Environmental Monitor for a period of not  
222 less than fifteen days prior to the sale or transfer of the land.

223 (b) The Commissioner of Environmental Protection shall develop a  
224 policy for reviewing notices received from a state agency, department  
225 or institution, as described in subsection (a) of this section, and making  
226 recommendations as to whether all or a portion of the land or land  
227 interest referenced in such notice should be preserved by (1)  
228 transferring the land or land interest or granting a conservation  
229 easement therein to the Department of Environmental Protection, (2)  
230 imposing restrictions or conditions upon the transfer of the land or  
231 land interest, or (3) transferring all or a portion of the land or land  
232 interest, or granting a conservation easement interest therein, to a third  
233 party. Any such recommendations shall be accompanied by a report  
234 explaining the basis of the recommendations and shall include, where  
235 appropriate, a natural resource inventory. Such recommendations and  
236 report shall be published in the Environmental Monitor and shall  
237 provide for a written public comment period of thirty days following  
238 publication of such notice. Such agency, department or institution, in  
239 consultation with the Commissioner of Environmental Protection, shall  
240 (A) respond to any written comments received during such thirty-day  
241 comment period, and (B) publish such written comments along with  
242 such agency's, department's or institution's response to such written  
243 comments in the Environmental Monitor for a period of not less than  
244 fifteen days prior to the sale or transfer of such land or land interest.

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

246 (1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, of  
247 the general statutes, with respect to the sale or transfer of state land or  
248 any interest in state land, except that if an environmental impact  
249 evaluation was prepared pursuant to sections 22a-1b and 22a-1c of the  
250 general statutes or an environmental statement was prepared for such



251 state land or interest in state land pursuant to any other state or federal  
252 law or regulation, as specified in section 22a-1f of the general statutes,  
253 such state agency, department or institution shall be exempt from the  
254 notice and public comment requirements set forth in subsections (a)  
255 and (b) of this section;

256 (2) Affect any purchase and sale agreement entered into between  
257 the state and any prospective purchaser that was in effect prior to the  
258 effective date of this section or any subsequent sale or transfer made  
259 pursuant to any such purchase and sale agreement;

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

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

266 Sec. 10. (NEW) (*Effective October 1, 2007*) There is established, within  
267 the General Fund, a separate, nonlapsing account to be known as the  
268 "environmental review account." The account may contain any moneys  
269 required or allowed by law to be deposited in the account, including,  
270 but not limited to, moneys from the sale of state properties not  
271 otherwise specially designated for deposit into the General Fund or  
272 any other account. Such account may contain up to a maximum of one  
273 hundred thousand dollars. Any balance remaining in the account at  
274 the end of any fiscal year shall be carried forward in the account for  
275 the fiscal year next succeeding. Payments from the account shall be  
276 made upon authorization from the Commissioner of Environmental  
277 Protection. All moneys in the account shall be used for the exclusive  
278 purposes of (1) preparing or implementing recommendations and  
279 reports by the Department of Environmental Protection or a state  
280 agency, department or institution pursuant to subsections (a) and (b)  
281 of section 9 of this act, or (2) preparing or reviewing environmental  
282 impact evaluations, in accordance with the provisions of sections 22a-

283 1b and 22a-1d of the general statutes.

284 Sec. 11. Subsections (c) and (d) of section 7-522 of the general  
285 statutes are repealed and the following is substituted in lieu thereof  
286 (*Effective from passage*):

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

296 (d) In the case of an emergency relief grant, the proceeds of which  
297 shall be used to satisfy a local matching requirement for federal  
298 assistance under the federal Disaster Relief Act, upon approval by the  
299 Secretary of the Office of Policy and Management of a completed  
300 federal disaster assistance application, the secretary shall certify to the  
301 Comptroller the amount due to the municipality. Not later than  
302 [fifteen] five business days after such certification, the Comptroller  
303 shall draw his or her order on the Treasurer, [and, not later than fifteen  
304 days thereafter, the Treasurer] who shall pay the grant to the  
305 municipality.

306 Sec. 12. Subsection (g) of section 7-536 of the general statutes is  
307 repealed and the following is substituted in lieu thereof (*Effective from*  
308 *passage*):

309 (g) Each municipality may apply to the secretary for expense  
310 reimbursement at the time it submits a local capital improvement  
311 project authorization request or any time after such authorization  
312 request has been approved by the secretary. The application for  
313 expense reimbursement shall be submitted on a form prescribed by the  
314 secretary and shall contain identification of the expenses for which

315 reimbursement is sought and certification from the municipality that:  
316 (1) Expenditures for the project conform to the provisions of  
317 subdivision (4) of subsection (a) of this section and the municipality is  
318 entitled to the reimbursement requested in the application; and (2) the  
319 municipality agrees to maintain detailed accounting records of the  
320 project reflecting the expenditures for which reimbursement has been  
321 requested and to make such records available to its independent  
322 auditor and the state. The municipality shall provide any other  
323 certification required by the secretary. Not later than [fifteen] five  
324 business days after such certification, the Comptroller shall draw his or  
325 her order on the Treasurer, [and, not later than fifteen days thereafter,  
326 the Treasurer] who shall pay the grant to the municipality.

327 Sec. 13. Subsection (d) of section 7-608 of the general statutes is  
328 repealed and the following is substituted in lieu thereof (*Effective from*  
329 *passage*):

330 (d) There is created a neighborhood revitalization zone grant-in-aid  
331 program to be administered by the Secretary of the Office of Policy and  
332 Management, for the purpose of providing financial assistance for the  
333 benefit of neighborhood revitalization zone planning committees. Such  
334 financial assistance, within available appropriations, shall be used for  
335 activities that promote neighborhood organizational development,  
336 economic development and business planning, specialized curriculum  
337 development, leadership training, the use of technology, property  
338 management, landlord-tenant relations, intergovernmental relations  
339 and such other activities as the board may deem appropriate. The  
340 secretary shall review recommendations regarding the disbursement  
341 of moneys made by the board and shall make a determination  
342 concerning the awarding of such financial assistance. Upon making a  
343 determination, the secretary shall certify to the State Comptroller the  
344 amount payable and the recipient of such grant. Not later than [fifteen]  
345 five business days after such certification, the State Comptroller shall  
346 draw his or her order on the State Treasurer, [and not later than fifteen  
347 days thereafter, the State Treasurer] who shall pay such grant. The  
348 secretary shall not certify a grant in an amount exceeding ten thousand

349 dollars.

350 Sec. 14. Subsection (d) of section 12-62f of the general statutes is  
351 repealed and the following is substituted in lieu thereof (*Effective from*  
352 *passage*):

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

359 Sec. 15. (NEW) (*Effective from passage*) Notwithstanding any  
360 provision of the general statutes, the Comptroller may appoint such  
361 assistant comptrollers as necessary for the efficient conduct of the  
362 business of the Comptroller. Such assistant comptrollers shall be in the  
363 unclassified service and may be removed by the Comptroller.

364 Sec. 16. (NEW) (*Effective from passage*) Not later than February 1,  
365 2008, the Commissioner of Public Works shall make recommendations  
366 to the joint standing committee of the General Assembly having  
367 cognizance of matters relating to government administration  
368 concerning: (1) The placement of commercial advertisements upon  
369 state buildings, facilities, stadiums, arenas or theaters by advertisers or  
370 sponsors, and (2) the granting of naming rights to any such advertiser  
371 or sponsor for any such state building, facility, stadium, arena or  
372 theater.

373 Sec. 17. Subsection (b) of section 1-210 of the general statutes is  
374 repealed and the following is substituted in lieu thereof (*Effective*  
375 *October 1, 2007*):

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

378 (1) Preliminary drafts or notes provided the public agency has

379 determined that the public interest in withholding such documents  
380 clearly outweighs the public interest in disclosure;

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

383 (3) Records of law enforcement agencies not otherwise available to  
384 the public which records were compiled in connection with the  
385 detection or investigation of crime, if the disclosure of said records  
386 would not be in the public interest because it would result in the  
387 disclosure of (A) the identity of informants not otherwise known or the  
388 identity of witnesses not otherwise known whose safety would be  
389 endangered or who would be subject to threat or intimidation if their  
390 identity was made known, (B) signed statements of witnesses, (C)  
391 information to be used in a prospective law enforcement action if  
392 prejudicial to such action, (D) investigatory techniques not otherwise  
393 known to the general public, (E) arrest records of a juvenile, which  
394 shall also include any investigatory files, concerning the arrest of such  
395 juvenile, compiled for law enforcement purposes, (F) the name and  
396 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
397 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
398 impairing of morals under section 53-21, or of an attempt thereof, or  
399 (G) uncorroborated allegations subject to destruction pursuant to  
400 section 1-216;

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

405 (5) (A) Trade secrets, which for purposes of the Freedom of  
406 Information Act, are defined as information, including formulas,  
407 patterns, compilations, programs, devices, methods, techniques,  
408 processes, drawings, cost data, or customer lists that (i) derive  
409 independent economic value, actual or potential, from not being  
410 generally known to, and not being readily ascertainable by proper

411 means by, other persons who can obtain economic value from their  
412 disclosure or use, and (ii) are the subject of efforts that are reasonable  
413 under the circumstances to maintain secrecy; and

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

416 (6) Test questions, scoring keys and other examination data used to  
417 administer a licensing examination, examination for employment or  
418 academic examinations;

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

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

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

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

435 (11) Names or addresses of students enrolled in any public school or  
436 college without the consent of each student whose name or address is  
437 to be disclosed who is eighteen years of age or older and a parent or  
438 guardian of each such student who is younger than eighteen years of  
439 age, provided this subdivision shall not be construed as prohibiting the  
440 disclosure of the names or addresses of students enrolled in any public

441 school in a regional school district to the board of selectmen or town  
442 board of finance, as the case may be, of the town wherein the student  
443 resides for the purpose of verifying tuition payments made to such  
444 school;

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

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

448 (14) Adoption records and information provided for in sections 45a-  
449 746, 45a-750 and 45a-751;

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

456 (16) Records of complaints, including information compiled in the  
457 investigation thereof, brought to a municipal health authority pursuant  
458 to chapter 368e or a district department of health pursuant to chapter  
459 368f, until such time as the investigation is concluded or thirty days  
460 from the date of receipt of the complaint, whichever occurs first;

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

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

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

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

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

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

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

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

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

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

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



501 agency. Such reasonable grounds shall be determined (A) with respect  
502 to records concerning any executive branch agency of the state or any  
503 municipal, district or regional agency, by the Commissioner of Public  
504 Works, after consultation with the chief executive officer of the agency;  
505 (B) with respect to records concerning Judicial Department facilities,  
506 by the Chief Court Administrator; and (C) with respect to records  
507 concerning the Legislative Department, by the executive director of the  
508 Joint Committee on Legislative Management. As used in this section,  
509 "government-owned or leased institution or facility" includes, but is  
510 not limited to, an institution or facility owned or leased by a public  
511 service company, as defined in section 16-1, a certified  
512 telecommunications provider, as defined in section 16-1, a water  
513 company, as defined in section 25-32a, or a municipal utility that  
514 furnishes electric, gas or water service, but does not include an  
515 institution or facility owned or leased by the federal government, and  
516 "chief executive officer" includes, but is not limited to, an agency head,  
517 department head, executive director or chief executive officer. Such  
518 records include, but are not limited to:

519 (i) Security manuals or reports;

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

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

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

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

531 (vi) Minutes or records of meetings, or portions of such minutes or

532 records, that contain or reveal information relating to security or other  
533 records otherwise exempt from disclosure under this subdivision;

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

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

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

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

552 (21) The residential, work or school address of any participant in the  
553 address confidentiality program established pursuant to sections 54-  
554 240 to 54-240o, inclusive;

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

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

561 (24) Responses to any request for proposals or bid solicitation issued

562 by a public agency or any record or file made by a public agency in  
 563 connection with the contract award process, until such contract is  
 564 executed or negotiations for the award of such contract have ended,  
 565 whichever occurs earlier, provided the chief executive officer of such  
 566 public agency certifies that the public interest in the disclosure of such  
 567 responses, record or file is outweighed by the public interest in the  
 568 confidentiality of such responses, record or file.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4b-91(b)
Sec. 2	<i>from passage</i>	4-250(4)
Sec. 3	<i>from passage</i>	4b-38(a)
Sec. 4	<i>from passage</i>	PA 00-167, Sec. 67
Sec. 5	<i>from passage</i>	16a-38k
Sec. 6	<i>from passage</i>	4b-53(b)
Sec. 7	<i>October 1, 2007</i>	49-41(a)
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>from passage</i>	7-522(c) and (d)
Sec. 12	<i>from passage</i>	7-536(g)
Sec. 13	<i>from passage</i>	7-608(d)
Sec. 14	<i>from passage</i>	12-62f(d)
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>October 1, 2007</i>	1-210(b)

**GAE**      *Joint Favorable Subst.*

**ENV**      *Joint Favorable*

**APP**      *Joint Favorable*