



General Assembly

**Amendment**

January Session, 2007

LCO No. 8480

**\*SB0118208480SDO\***

Offered by:  
SEN. SLOSSBERG, 14<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1182

File No. 475

Cal. No. 356

**"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."**

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1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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4 repealed and the following is substituted in lieu thereof (*Effective from*  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

6 (b) The Commissioner of Public Works, the joint committee or the  
7 constituent unit, as the case may be, shall determine the manner of  
8 submission and the conditions and requirements of such bids, and the  
9 time within which the bids shall be submitted, consistent with the  
10 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be  
11 made [within sixty] not later than ninety days after the opening of such

12 bids. If the general bidder selected as the general contractor fails to  
13 perform the general contractor's agreement to execute a contract in  
14 accordance with the terms of the general contractor's general bid and  
15 furnish a performance bond and also a labor and materials or payment  
16 bond to the amount specified in the general bid form, an award shall  
17 be made to the next lowest responsible and qualified general bidder.  
18 No employee of the Department of Public Works, the joint committee  
19 or a constituent unit with decision-making authority concerning the  
20 award of a contract and no public official, as defined in section 1-79,  
21 may communicate with any bidder prior to the award of the contract if  
22 the communication results in the bidder receiving information about  
23 the contract that is not available to other bidders, except that if the  
24 lowest responsible and qualified bidder's price submitted is in excess  
25 of funds available to make an award, the Commissioner of Public  
26 Works, the Joint Committee on Legislative Management or the  
27 constituent unit, as the case may be, may negotiate with such bidder  
28 and award the contract on the basis of the funds available, without  
29 change in the contract specifications, plans and other requirements. If  
30 the award of a contract on said basis is refused by such bidder, the  
31 Commissioner of Public Works, the Joint Committee on Legislative  
32 Management or the constituent unit, as the case may be, may negotiate  
33 with other contractors who submitted bids in ascending order of bid  
34 prices without change in the contract, specifications, plans and other  
35 requirements. In the event of negotiation with general bidders as  
36 provided in this section, the general bidder involved may negotiate  
37 with subcontractors on the same basis, provided such general bidder  
38 shall negotiate only with subcontractors named on such general  
39 bidder's general bid form.

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

43 (4) "Large state contract" means an agreement or a combination or  
44 series of agreements between a state agency or a quasi-public agency  
45 and a person, firm or corporation, having a total [cost to such state

46 agency or quasi-public agency] value of more than five hundred  
47 thousand dollars in a calendar or fiscal year, for (A) a project for the  
48 construction, alteration or repair of any public building or public work,  
49 (B) services, including, but not limited to, consulting and professional  
50 services, (C) the procurement of supplies, materials or equipment, (D)  
51 a lease, or (E) a licensing arrangement. The term "large state contract"  
52 shall not include a contract between a state agency or a quasi-public  
53 agency and a political subdivision of the state.

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

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

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

69 Notwithstanding any provision of the general statutes or of any  
70 special act, including, but not limited to, the provisions of sections 4b-2  
71 to 4b-3, inclusive, 4b-51 to 4b-58, inclusive, 4b-91 to 4b-102, inclusive,  
72 19a-638 and 19a-939 and chapters 124 and 126 of the general statutes,  
73 or any of the provisions of any ordinance or special act of any  
74 municipality, the Commissioner of Mental Health and Addiction  
75 Services may provide a grant-in-aid to an entity which is considered to  
76 be a nonprofit organization under Section 501(c)(3) of the Internal  
77 Revenue Code of 1986, or any subsequent corresponding internal

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

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

103 (a) Notwithstanding any provision of the general statutes, any new  
104 construction of a state facility, except salt sheds, parking garages,  
105 maintenance facilities or school construction, that is projected to cost  
106 five million dollars or more, and [is approved and funded] for which  
107 all budgeted project bond funds are allocated by the State Bond  
108 Commission on or after January 1, 2007, shall comply with or exceed  
109 compliance with the silver building rating of the Leadership in Energy  
110 and Environmental Design's rating system for new commercial  
111 construction and major renovation projects, as established by the

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

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

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

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

164 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Prior to the sale or  
165 transfer of state land or any interest in state land by a state agency,  
166 department or institution, such agency, department or institution shall  
167 provide notice of such sale or transfer to the Council on Environmental  
168 Quality, the Secretary of the Office of Policy and Management and the  
169 Commissioner of Environmental Protection on a form approved by the  
170 Council on Environmental Quality. Such notice shall be published in  
171 the Environmental Monitor and shall provide for a written public  
172 comment period of thirty days following publication of such notice,  
173 during which the public and state agencies may submit comments to  
174 the Secretary of the Office of Policy and Management. Such comments  
175 may include, but shall not be limited to, significant natural and  
176 recreational resources on such land and recommend means to preserve  
177 such natural or recreational resources. The Secretary of the Office of  
178 Policy and Management, in consultation with the Commissioner of

179 Environmental Protection, shall (1) respond to any written comments  
180 received during such thirty-day comment period, and (2) publish such  
181 written comments along with the Office of Policy and Management's  
182 response to such written comments in the Environmental Monitor for a  
183 period of not less than fifteen days prior to the sale or transfer of the  
184 land.

185 (b) The Commissioner of Environmental Protection shall develop a  
186 policy for reviewing notices received from a state agency, department  
187 or institution, as described in subsection (a) of this section, and making  
188 a draft recommendation to the Secretary of the Office of Policy and  
189 Management as to whether all or a portion of the land or land interest  
190 referenced in such notice should be preserved by (1) transferring the  
191 land or land interest or granting a conservation easement therein to the  
192 Department of Environmental Protection, (2) imposing restrictions or  
193 conditions upon the transfer of the land or land interest, or (3)  
194 transferring all or a portion of the land or land interest, or granting a  
195 conservation easement interest therein, to an appropriate third party.  
196 Any such recommendations shall be accompanied by a report  
197 explaining the basis of the recommendations and shall include, where  
198 appropriate, a natural resource inventory. Such recommendations and  
199 report shall be published in the Environmental Monitor and shall  
200 provide for a written public comment period of thirty days following  
201 publication of such notice. The Commissioner of Environmental  
202 Protection shall (A) respond to any written comments received during  
203 such thirty-day comment period, (B) make a final recommendation to  
204 the Secretary of the Office of Policy and Management, and (C) publish  
205 such written comments along with the Department of Environmental  
206 Protection's response to such written comments including the  
207 department's final recommendation to the secretary in the  
208 Environmental Monitor. Following receipt of the final  
209 recommendation of the Commissioner of Environmental Protection,  
210 the Secretary of the Office of Policy and Management shall make the  
211 final determination as to the ultimate disposition of the land or  
212 interest. Such determination shall be published in the Environmental

213 Monitor for a period of not less than fifteen days prior to the sale or  
214 transfer of such land or interest.

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

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

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

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

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

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

241 (6) Apply to the sale or transfer of state land or an interest in state  
242 land that was designated as surplus, pursuant to subsections (b) and

243 (c) of section 4b-21 of the general statutes prior to the effective date of  
244 this section, provided the provisions of this section were complied  
245 with at the time of such designation;

246 (7) Apply to the transfer of ten acres or less by the Department of  
247 Transportation if the Commissioner of Transportation certifies that the  
248 transfer is not being made in order to facilitate new development of  
249 more than five acres;

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

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

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

257 Sec. 8. (NEW) (*Effective October 1, 2007*) There is established, within  
258 the General Fund, a separate, nonlapsing account to be known as the  
259 "environmental review account." The account may contain any moneys  
260 required or allowed by law to be deposited in the account, including,  
261 but not limited to, moneys from the sale of state properties not  
262 otherwise specially designated for deposit into the General Fund or  
263 any other account. Such account may contain up to a maximum of one  
264 hundred thousand dollars. Any balance remaining in the account at  
265 the end of any fiscal year shall be carried forward in the account for  
266 the fiscal year next succeeding. Payments from the account shall be  
267 made upon authorization from the Commissioner of Environmental  
268 Protection. All moneys in the account shall be used for the exclusive  
269 purposes of (1) preparing or implementing recommendations and  
270 reports by the Department of Environmental Protection or a state  
271 agency, department or institution pursuant to subsections (a) and (b)  
272 of section 7 of this act, or (2) preparing or reviewing environmental  
273 impact evaluations, in accordance with the provisions of sections 22a-  
274 1b and 22a-1d of the general statutes.

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

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

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

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

300 (g) Each municipality may apply to the secretary for expense  
301 reimbursement at the time it submits a local capital improvement  
302 project authorization request or any time after such authorization  
303 request has been approved by the secretary. The application for  
304 expense reimbursement shall be submitted on a form prescribed by the  
305 secretary and shall contain identification of the expenses for which  
306 reimbursement is sought and certification from the municipality that:

307 (1) Expenditures for the project conform to the provisions of  
308 subdivision (4) of subsection (a) of this section and the municipality is  
309 entitled to the reimbursement requested in the application; and (2) the  
310 municipality agrees to maintain detailed accounting records of the  
311 project reflecting the expenditures for which reimbursement has been  
312 requested and to make such records available to its independent  
313 auditor and the state. The municipality shall provide any other  
314 certification required by the secretary. Not later than [fifteen] five  
315 business days after such certification, the Comptroller shall draw his or  
316 her order on the Treasurer, [and, not later than fifteen days thereafter,  
317 the Treasurer] who shall pay the grant to the municipality.

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

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

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

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

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

355 Sec. 14. (NEW) (*Effective from passage*) Not later than February 1,  
356 2008, the Commissioner of Public Works, within available resources,  
357 shall make recommendations to the joint standing committee of the  
358 General Assembly having cognizance of matters relating to  
359 government administration concerning: (1) The placement of  
360 commercial advertisements upon state buildings, facilities, stadiums,  
361 arenas or theaters by advertisers or sponsors, and (2) the granting of  
362 naming rights to any such advertiser or sponsor for any such state  
363 building, facility, stadium, arena or theater.

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

366 (a) There shall be established within the Department of Public  
367 Works [a] State Construction Services Selection [Panel] Panels which  
368 shall consist of five members. Four of such members shall be  
369 appointed by the commissioner, shall serve only for deliberations  
370 involving the project for which such members are appointed, and shall  
371 be current or retired employees of the Department of Public Works,  
372 [and shall serve for terms of one year from July first.] The remaining

373 member shall be appointed by the head or acting head of the user  
374 agency and shall serve only for deliberations involving the project for  
375 which [he was] such member is appointed. [If any vacancy occurs on  
376 the panel, the commissioner shall appoint a person for the unexpired  
377 term in accordance with the provisions of this subsection.]

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

380 (c) There shall be established within the Department of Public  
381 Works [a] Connecticut Health and Education Facilities Authority  
382 Construction Services [Panel] Panels which shall consist of five  
383 members. [; Three of whom] Three of such members shall be  
384 appointed by the Commissioner of Public Works, shall serve only for  
385 deliberations involving the project for which such members are  
386 appointed and shall be current employees of the Department of Public  
387 Works. [; and the] The remaining members shall be appointed by the  
388 head or acting head of the user agency and shall serve only for  
389 deliberations involving the project for which such [member was]  
390 members are appointed. [The members of the selection panel  
391 appointed by the Commissioner of Public Works shall serve for terms  
392 of one year from July first. If any vacancy occurs on the panel, the  
393 Commissioner of Public Works or the head or acting head of the user  
394 agency, as appropriate, shall appoint a person for the unexpired term  
395 in accordance with the provisions of this subsection.]

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

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

404 (a) The Department of Public Works shall establish construction

405 services award panels which shall each consist of six members. [; Three  
406 of whom] Three of such members shall be appointed by the  
407 Commissioner of Public Works, [and] shall be current employees of the  
408 Department of Public Works [; two of whom] and shall serve only for  
409 deliberations involving the project for which such members are  
410 appointed. Two members shall be appointed by the department head  
411 of the user agency [;] and one [of whom who] member shall be a  
412 neutral party appointed by the commissioner. [The members of each  
413 award panel appointed by the Commissioner of Public Works shall  
414 serve for terms of one year from July first. If any vacancy occurs on the  
415 panel, the Commissioner of Public Works or the head or acting head of  
416 the user agency, as appropriate, shall appoint a person for the  
417 unexpired term in accordance with the provisions of this subsection.]

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

424 Sec. 17. Subsection (d) of section 4b-51 of the general statutes is  
425 repealed and the following is substituted in lieu thereof (*Effective July*  
426 *1, 2007*):

427 (d) [(1)] Notwithstanding any provision of the general statutes, [to  
428 the contrary,] the Commissioner of Public Works [shall select, subject  
429 to the provisions of this subsection, consultants for projects authorized  
430 under subsection (b) of this section from a list approved by said  
431 commissioner. Fees for such consultant services shall not exceed fifty  
432 thousand dollars, except that, in the case of a project of a constituent  
433 unit of the state system of higher education, fees for such services shall  
434 not exceed three hundred thousand dollars] may select consultants to  
435 be on a list established for the purpose of providing any consultant  
436 services. Such list shall be established as provided in sections 4b-56  
437 and 4b-57, as amended by this act. The commissioner may enter into a

438 contract with any consultant on such list to perform a range of  
439 consultant services or to perform a range of tasks pursuant to a task  
440 letter detailing services to be performed under such contract. As used  
441 in this subsection, "consultant" means "consultant" as defined in  
442 section 4b-55, as amended by this act, and "consultant services" means  
443 "consultant services" as defined in section 4b-55, as amended by this  
444 act.

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

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

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

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

466 (NEW) (e) There shall be established, within the Department of  
467 Public Works, a State Construction Services Selection Panel that shall  
468 consist of five members. Such members shall be appointed by the  
469 commissioner, shall be current employees of the Department of Public

470 Works or any agency for which consultant services may be contracted,  
471 and shall serve only for deliberations involving the selection of  
472 consultants under subsection (d) of section 4b-51, as amended by this  
473 act, for which the employees are appointed.

474 (NEW) (f) The panel established pursuant to subsection (e) of this  
475 section shall not be deemed to be a board or commission within the  
476 meaning of section 4-9a.

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

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

490 (b) In the case of a project, the responses received shall be  
491 considered by the selection panel. The panel shall select from among  
492 those responding no fewer than three firms, which such panel  
493 determines in accordance with criteria established by the  
494 commissioner are most qualified to perform the required consultant  
495 services. In the case of any project that requires consultant services by  
496 an architect or professional engineer, additional criteria to be  
497 considered by such panel in selecting a list of the most qualified firms  
498 shall include: (1) Such firm's knowledge of this state's building and fire  
499 codes, and (2) the geographic location of such firm in relation to the  
500 geographic location of the proposed project. The selection panel shall  
501 submit a list of the most qualified firms to the commissioner for the

502 commissioner's consideration unless fewer than three responses for a  
503 particular project have been received, in which case the panel shall  
504 submit the names of all firms who have submitted responses.

505 (c) In the case of consultants selected under subsection (d) of section  
506 4b-51, as amended by this act, the responses received shall be  
507 considered by the selection panel. The panel shall select, from among  
508 those persons responding, a list of those persons most qualified to  
509 perform the consultant services. Knowledge of the state building and  
510 fire code shall be considered in determining a consultant's  
511 qualifications.

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

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

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

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

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

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

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

560 (3) Records of law enforcement agencies not otherwise available to  
561 the public which records were compiled in connection with the  
562 detection or investigation of crime, if the disclosure of said records  
563 would not be in the public interest because it would result in the  
564 disclosure of (A) the identity of informants not otherwise known or the  
565 identity of witnesses not otherwise known whose safety would be  
566 endangered or who would be subject to threat or intimidation if their

567 identity was made known, (B) signed statements of witnesses, (C)  
568 information to be used in a prospective law enforcement action if  
569 prejudicial to such action, (D) investigatory techniques not otherwise  
570 known to the general public, (E) arrest records of a juvenile, which  
571 shall also include any investigatory files, concerning the arrest of such  
572 juvenile, compiled for law enforcement purposes, (F) the name and  
573 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
574 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
575 impairing of morals under section 53-21, or of an attempt thereof, or  
576 (G) uncorroborated allegations subject to destruction pursuant to  
577 section 1-216;

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

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

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

593 (6) Test questions, scoring keys and other examination data used to  
594 administer a licensing examination, examination for employment or  
595 academic examinations;

596 (7) The contents of real estate appraisals, engineering or feasibility  
597 estimates and evaluations made for or by an agency relative to the  
598 acquisition of property or to prospective public supply and

599 construction contracts, until such time as all of the property has been  
600 acquired or all proceedings or transactions have been terminated or  
601 abandoned, provided the law of eminent domain shall not be affected  
602 by this provision;

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

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

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

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

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

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

625 (14) Adoption records and information provided for in sections 45a-  
626 746, 45a-750 and 45a-751;

627 (15) Any page of a primary petition, nominating petition,  
628 referendum petition or petition for a town meeting submitted under

629 any provision of the general statutes or of any special act, municipal  
630 charter or ordinance, until the required processing and certification of  
631 such page has been completed by the official or officials charged with  
632 such duty after which time disclosure of such page shall be required;

633 (16) Records of complaints, including information compiled in the  
634 investigation thereof, brought to a municipal health authority pursuant  
635 to chapter 368e or a district department of health pursuant to chapter  
636 368f, until such time as the investigation is concluded or thirty days  
637 from the date of receipt of the complaint, whichever occurs first;

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

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

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

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

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

657 (D) Training manuals prepared for correctional institutions and  
658 facilities or Whiting Forensic Division facilities that describe, in any

659 manner, security procedures, emergency plans or security equipment;

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

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

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

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

672 (19) Records when there are reasonable grounds to believe  
673 disclosure may result in a safety risk, including the risk of harm to any  
674 person, any government-owned or leased institution or facility or any  
675 fixture or appurtenance and equipment attached to, or contained in,  
676 such institution or facility, except that such records shall be disclosed  
677 to a law enforcement agency upon the request of the law enforcement  
678 agency. Such reasonable grounds shall be determined (A) with respect  
679 to records concerning any executive branch agency of the state or any  
680 municipal, district or regional agency, by the Commissioner of Public  
681 Works, after consultation with the chief executive officer of the agency;  
682 (B) with respect to records concerning Judicial Department facilities,  
683 by the Chief Court Administrator; and (C) with respect to records  
684 concerning the Legislative Department, by the executive director of the  
685 Joint Committee on Legislative Management. As used in this section,  
686 "government-owned or leased institution or facility" includes, but is  
687 not limited to, an institution or facility owned or leased by a public  
688 service company, as defined in section 16-1, a certified  
689 telecommunications provider, as defined in section 16-1, a water  
690 company, as defined in section 25-32a, or a municipal utility that

691 furnishes electric, gas or water service, but does not include an  
692 institution or facility owned or leased by the federal government, and  
693 "chief executive officer" includes, but is not limited to, an agency head,  
694 department head, executive director or chief executive officer. Such  
695 records include, but are not limited to:

696 (i) Security manuals or reports;

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

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

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

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

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

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

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

716 (ix) With respect to a water company, as defined in section 25-32a,  
717 that provides water service: Vulnerability assessments and risk  
718 management plans, operational plans, portions of water supply plans  
719 submitted pursuant to section 25-32d that contain or reveal

720 information the disclosure of which may result in a security risk to a  
721 water company, inspection reports, technical specifications and other  
722 materials that depict or specifically describe critical water company  
723 operating facilities, collection and distribution systems or sources of  
724 supply;

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

729 (21) The residential, work or school address of any participant in the  
730 address confidentiality program established pursuant to sections 54-  
731 240 to 54-240o, inclusive;

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

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

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

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

749 (c) The agenda of the regular meetings of every public agency,

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

763 Sec. 24. (NEW) (*Effective from passage*) In accordance with the  
 764 provisions of title 4b of the general statutes, the Commissioner of  
 765 Public Works may provide design and construction services for the  
 766 design, construction, renovation, repair or improvement of a tunnel  
 767 roadway owned by the city of New Haven. The provision of such  
 768 design and construction services shall be made in connection with the  
 769 construction of the consolidated campus of Gateway Community  
 770 College. The Commissioner of Public Works may accept funds from  
 771 the city of New Haven for the cost of providing such design and  
 772 construction services and for any related administrative costs incurred  
 773 by the state."

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>October 1, 2007</i>	49-41(a)
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section

Sec. 9	<i>from passage</i>	7-522(c) and (d)
Sec. 10	<i>from passage</i>	7-536(g)
Sec. 11	<i>from passage</i>	7-608(d)
Sec. 12	<i>from passage</i>	12-62f(d)
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	4b-56
Sec. 16	<i>from passage</i>	4b-100a(a) and (b)
Sec. 17	<i>July 1, 2007</i>	4b-51(d)
Sec. 18	<i>from passage</i>	4b-55(g)
Sec. 19	<i>from passage</i>	4b-56
Sec. 20	<i>from passage</i>	4b-57
Sec. 21	<i>from passage</i>	4b-23(i)
Sec. 22	<i>October 1, 2007</i>	1-210(b)
Sec. 23	<i>October 1, 2007</i>	1-225(c)
Sec. 24	<i>from passage</i>	New section