



General Assembly

Amendment

January Session, 2007

LCO No. 9362

SB0140609362SD0

Offered by:

SEN. GAFFEY, 13th Dist.

REP. FLEISCHMANN, 18th Dist.

To: Subst. Senate Bill No. 1406

File No. 718

Cal. No. 560

"AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS."

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

3 "Sec. 501. (*Effective from passage*) Notwithstanding the provisions of
4 section 10-292 of the general statutes or any regulation adopted by the
5 State Board of Education requiring that a bid not be let out until plans
6 and specifications have been approved by the Department of
7 Education's school facilities unit, the town of Ellington may let out for
8 bid on and commence a project to remedy a code violation (Project
9 Number 048-0054 CV) at Crystal Lake School and shall be eligible to
10 subsequently be considered for a grant commitment from the state,
11 provided plans and specifications have been approved by the
12 Department of Education's school facilities unit.

13 Sec. 502. (*Effective from passage*) Notwithstanding the provisions of
14 section 10-292 of the general statutes or any regulation adopted by the
15 State Board of Education requiring that a bid not be let out until plans
16 and specifications have been approved by the Department of
17 Education's school facilities unit, the town of Avon may let out for bid
18 on and commence a project for remedy of a code violation (Project
19 Number 004-0063 CV) at Avon Middle School and shall be eligible to
20 subsequently be considered for a grant commitment from the state,
21 provided plans and specifications have been approved by the
22 Department of Education's school facilities unit.

23 Sec. 503. (*Effective from passage*) Notwithstanding the provisions of
24 chapter 173 of the general statutes and any regulation adopted by the
25 State Board of Education concerning ineligible costs for school
26 building projects, regional school district #19 shall be eligible to
27 receive reimbursement for costs associated with an off-site extension of
28 the water system that will serve E. O. Smith High School (Project
29 Number 219-0017 EA/RR).

30 Sec. 504. (*Effective from passage*) Notwithstanding the provisions of
31 section 10-283 of the general statutes, as amended by this act, or any
32 regulation adopted by the State Board of Education requiring a
33 completed grant application be submitted prior to June 30, 2006, or
34 subsection (d) of section 10-283 of the general statutes, or any
35 regulation adopted by the State Board of Education requiring local
36 funding authorization for the local share of project costs prior to
37 application, the agri-science equipment project (Project Number 214-
38 0087) for the Nonnewaug High School in Regional School District
39 Number 14 with costs approximately one hundred eighty-two
40 thousand dollars shall be included in subdivision (1) of section 1 of this
41 act, provided a complete grant application is submitted prior to June
42 30, 2008.

43 Sec. 505. (*Effective from passage*) Notwithstanding the provisions of
44 section 10-284 of the general statutes, or any regulation adopted by the
45 State Board of Education requiring that a town begin construction on a

46 project not later than two years after the effective date of the act of the
47 General Assembly authorizing the Commissioner of Education to enter
48 into grant commitments for such project, the town of Killingly shall
49 have until June 30, 2008, to begin construction on the projects for a new
50 Killingly High School and new regional vocational agriculture center
51 (Project Numbers 069-0059 N/PS and 069-0060N/VE) and shall be
52 eligible to subsequently be considered for grant commitments from the
53 state.

54 Sec. 506. (*Effective from passage*) Notwithstanding the provisions of
55 section 10-292 of the general statutes or any regulation adopted by the
56 State Board of Education requiring that a bid not be let out until plans
57 and specifications have been approved by the Department of
58 Education's school facilities unit, the town of North Canaan may let
59 out for bid on and commence a project for roof replacement (Project
60 Number 100-0012 RR) at North Canaan Elementary School and shall be
61 eligible to subsequently be considered for a grant commitment from
62 the state, provided plans and specifications have been approved by the
63 Department of Education's school facilities unit.

64 Sec. 507. (*Effective from passage*) Notwithstanding the provisions of
65 section 10-283 of the general statutes requiring that no school building
66 project shall be added to the list in subdivision (1) of section 1 of this
67 act, the project for extension and alteration (Project Number 151-0263
68 EA) at the Enlightenment and Special Education Program Center in
69 Waterbury is included in said subdivision (1) of this act and shall be
70 eligible to be subsequently considered for a grant commitment from
71 the state, provided the school district files an application for a school
72 building project prior to June 30, 2007, and meets all other provisions
73 of chapter 173 of the general statutes or any regulation adopted by the
74 State Board of Education.

75 Sec. 508. Section 16a-38k of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective January 1, 2008*):

77 (a) Notwithstanding any provision of the general statutes, any (1)

78 new construction of a state facility [, except salt sheds, parking
79 garages, maintenance facilities or school construction,] that is projected
80 to cost five million dollars, or more, of which two million dollars or
81 more is state funding, and is approved and funded on or after January
82 1, [2007] 2008, (2) renovation of a state facility that is projected to cost
83 two million dollars or more, of which two million dollars or more is
84 state funding, approved and funded on or after January 1, 2008, (3)
85 new construction of a facility that is projected to cost five million
86 dollars, or more, of which two million dollars, or more, is state
87 funding, and is authorized by the General Assembly pursuant to
88 chapter 173 on or after January 1, 2009, and (4) renovation of a public
89 school facility as defined in subdivision (18) of section 10-282 that is
90 projected to cost two million dollars, or more, of which two million
91 dollars, or more, is state funding, and is authorized by the General
92 Assembly pursuant to chapter 173 on or after January 1, 2009, shall
93 comply with the regulations adopted pursuant to subsection (b) of this
94 section. The Secretary of the Office of Policy and Management, in
95 consultation with the Commissioner of Public Works, [and the
96 Institute for Sustainable Energy,] shall exempt any facility from
97 complying with said regulations if [said secretary] the Institute for
98 Sustainable Energy finds, in a written analysis, that the cost of such
99 compliance significantly outweighs the benefits.

100 (b) Not later than January 1, 2007, the Secretary of the Office of
101 Policy and Management, in consultation with the Commissioner of
102 Public Works, the Commissioner of Environmental Protection and the
103 Commissioner of Public Safety, shall adopt regulations, in accordance
104 with the provisions of chapter 54, to adopt building construction
105 standards that are consistent with or exceed the silver building rating
106 of the Leadership in Energy and Environmental Design's rating system
107 for new commercial construction and major renovation projects, as
108 established by the United States Green Building Council, including
109 energy standards that exceed those set forth in the 2004 edition of the
110 American Society of Heating, Ventilating and Air Conditioning
111 Engineers (ASHRAE) Standard 90.1 by not less than twenty per cent,

112 or an equivalent standard, including, but not limited to, a two-globe
113 rating in the Green Globes USA design program, and thereafter update
114 such regulations as the secretary deems necessary.

115 Sec. 509. (*Effective from passage*) Notwithstanding the provisions of
116 section 10-292 of the general statutes or any regulation adopted by the
117 State Board of Education requiring that a bid not be let out until plans
118 and specifications have been approved by the Department of
119 Education's school facilities unit, the town of Tolland may let out for
120 bid on and commence a project for installation of a water line
121 extension (Project Numbers 142-075CV and 142-076CV) at Parker
122 Memorial School and the old Tolland High School and shall be eligible
123 to subsequently be considered for a grant commitment from the state,
124 provided plans and specifications have been approved by the
125 Department of Education's school facilities unit.

126 Sec. 510. (*Effective from passage*) Notwithstanding the provisions of
127 chapter 173 of the general statutes or any regulation adopted by the
128 State Board of Education pursuant to said chapter 173, for the school
129 construction priority list to be considered by the General Assembly in
130 the 2008 regular legislative session, the Commissioner of Education
131 shall give review and approval priority to an interdistrict magnet
132 school application filed by the city of New Haven for an interdistrict
133 magnet school to be operated in cooperation with the University of
134 New Haven, as long as the complete application is filed on or before
135 June 30, 2007.

136 Sec. 511. (*Effective from passage*) Notwithstanding the provisions of
137 section 10-283 of the general statutes or any regulation adopted by the
138 State Board of Education concerning limitations on changes in scope or
139 costs for a project, the project for new construction of a magnet school
140 for the New Cooperative Arts and Humanities High School (Project
141 Number 093-0341 MAG/N) in New Haven shall be eligible for
142 additional reauthorization for a total grant covering project costs not to
143 exceed sixty-six million dollars.

144 Sec. 512. (*Effective from passage*) Notwithstanding the provisions of
145 subsection (a) of section 10-285e of the general statutes or any
146 regulation adopted by the State Board of Education concerning
147 reimbursement for reasonable lease costs, the renovation costs for
148 leased swing space for the town of New Haven for the Fair Haven
149 Middle School (Project Number 093-0319 EA/RR) shall be eligible for
150 reimbursement.

151 Sec. 513. (*Effective from passage*) Notwithstanding the provisions of
152 section 10-285g or any regulation adopted by the State Board of
153 Education concerning the requirements for the issuance of a waiver of
154 acoustical standards for relocatable classrooms, such standards shall be
155 waived for a project for relocatable classrooms (Project Number 028-
156 0042 RE) at Bacon Academy in Colchester, provided such relocatable
157 classrooms were purchased prior to July 1, 2005.

158 Sec. 514. Subsection (a) of section 10-264h of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective from*
160 *passage*):

161 (a) (1) For the fiscal year ending June 30, 1996, until the fiscal year
162 ending June 30, 2003, a local or regional board of education, regional
163 educational service center or a cooperative arrangement pursuant to
164 section 10-158a for purposes of an interdistrict magnet school may be
165 eligible for reimbursement up to the full reasonable cost of any capital
166 expenditure for the purchase, construction, extension, replacement,
167 leasing or major alteration of interdistrict magnet school facilities,
168 including any expenditure for the purchase of equipment, in
169 accordance with this section. For the fiscal year ending June 30, 2004,
170 and each fiscal year thereafter, such entities may be eligible for
171 reimbursement up to ninety-five per cent of such cost. To be eligible
172 for reimbursement under this section a magnet school construction
173 project shall meet the requirements for a school building project
174 established in chapter 173, except that the Commissioner of Education
175 may waive any requirement in such chapter for good cause. On and
176 after July 1, 1997, the commissioner shall approve only applications for

177 reimbursement under this section that he finds will reduce racial,
178 ethnic and economic isolation.

179 (2) (A) Not later than July 1, 2007, the Commissioner of Education
180 and the president of the Connecticut Science Center, Inc. shall enter
181 into a memorandum of understanding establishing the parameters
182 within which the center shall operate as and be given the status of a
183 state-wide magnet science learning center. Upon achieving such status,
184 the Connecticut Science Center, Inc. shall be eligible to apply for, in
185 accordance with the provisions of subparagraph (B) of this
186 subdivision, a grant of reimbursement of ninety-five per cent of any
187 expenditures for the construction, replacement, alteration or repair of
188 its facilities, including the reasonable and necessary costs for major
189 exhibits. The Connecticut Science Center, Inc. may fund its five per
190 cent share of expenditures from private contributions.

191 (B) To be eligible to receive a grant pursuant to this subdivision, the
192 Connecticut Science Center, Inc. shall file an application with the
193 Commissioner of Education in such form and manner as the
194 commissioner prescribes. Construction projects at the magnet science
195 learning center shall meet the requirements of chapter 173, except that
196 the commissioner may waive any requirements in such chapter for
197 good cause.

198 Sec. 515. (*Effective from passage*) Notwithstanding any provision of
199 chapter 173 of the general statutes or any regulation of the State Board
200 of Education pursuant to said chapter, a project for the Connecticut
201 Science Center, Inc. shall be included in subdivision (1) of section 1 of
202 this act, with project costs not in excess of sixteen million dollars to
203 finish construction of the new science center facility, provided the
204 Connecticut Science Center, Inc. submits a completed grant application
205 prior to June 30, 2007. Such project shall be reimbursed at a rate of
206 ninety-five per cent pursuant to the provisions of section 10-264h of the
207 general statutes, as amended by this act.

208 Sec. 516. (*Effective from passage*) Notwithstanding the provisions of

209 subdivision (1) of subsection (a) of section 10-286 of the general
210 statutes, or any regulation adopted by the State Board of Education
211 concerning projected enrollment for a school building project, the town
212 of West Hartford may use a ten-year forecast for projected enrollment
213 for the extension and alteration project (Project Number 155-160 EA) at
214 Conard High School.

215 Sec. 517. (*Effective from passage*) Notwithstanding the provisions of
216 sections 10-291 and 10-292 of the general statutes or any regulation
217 adopted by the State Board of Education concerning bidding and
218 approval of plans and specifications by the Department of Education's
219 school facilities unit, the town of Middletown may commence a project
220 for fuel cell installation at Middletown High School and shall be
221 eligible to subsequently be considered for a grant commitment from
222 the state, provided plans and specifications have been approved by the
223 Department of Education's school facilities unit. (1) The portion of the
224 project funded from the Connecticut Clean Energy Fund as
225 administered by Connecticut Innovations, Inc. shall not be considered
226 a school building project expense, (2) the incremental costs of
227 construction not funded from said fund that are attributable to the
228 installation of a fuel cell and related equipment and facilities shall be
229 fully eligible school building project costs for purposes of calculating
230 the school building project grant, (3) the wall and resulting area
231 enclosing the fuel cell, and any slab area for an emergency generator,
232 shall be excluded from standard space calculations, and (4) the public
233 request for proposals for alternative energy power sources and
234 generator as conducted shall meet all public bidding requirements and
235 preapproval of plans and specifications. The fuel cell and generator
236 plans and specifications shall not be reviewed by the Department of
237 Education. Connecticut Innovations, Inc. shall certify to the
238 Department of Education that the fuel cell and generator were
239 installed according to industry standards and applicable building and
240 safety codes.

241 Sec. 518. Subsection (b) of section 10-287 of the general statutes is
242 repealed and the following is substituted in lieu thereof (*Effective July*

243 1, 2007):

244 (b) All orders and contracts for school building construction
245 receiving state assistance under this chapter, including orders and
246 contracts for architectural or construction management services, shall
247 be awarded to the lowest responsible qualified bidder only after a
248 public invitation to bid, which shall be advertised in a newspaper
249 having circulation in the town in which construction is to take place,
250 except for (1) school building projects for which the town or regional
251 school district is using a state contract pursuant to subsection (d) of
252 section 10-292, and (2) change orders, those contracts or orders costing
253 less than ten thousand dollars and those of an emergency nature, as
254 determined by the Commissioner of Education, in which cases the
255 contractor or vendor may be selected by negotiation, provided no local
256 fiscal regulations, ordinances or charter provisions conflict.

257 Sec. 519. (*Effective from passage*) Notwithstanding the provisions of
258 section 10-283 of the general statutes, as amended by this act, or any
259 regulation adopted by the board requiring a completed grant
260 application be submitted prior to June 30, 2006, subsection (d) of
261 section 10-283 of the general statutes, or any regulation adopted by the
262 board requiring local funding authorization for the local share of
263 project costs prior to application, the provisions of section 10-286 of the
264 general statutes, or any regulation adopted by the board concerning
265 eligible costs or the provisions of section 10-285a of the general
266 statutes, as amended by this act, or any regulation adopted by the
267 board concerning percentage for reimbursement, projects for
268 technology improvements at Charter Oak Academy and Smith School
269 in West Hartford shall be included in subdivision (1) of section 1 of
270 this act, provided a complete grant application is submitted prior to
271 June 30, 2008.

272 Sec. 520. (*Effective from passage*) Notwithstanding the provisions of
273 section 10-283 of the general statutes, or any regulation adopted by the
274 State Board of Education pursuant to said section requiring that the
275 description of a project type for a school building project be made at

276 the time of application for a school building project grant or the
277 provisions of subdivision (18) of section 10-282 of the general statutes,
278 requiring a renovation project to cost less than building a new facility,
279 the town of Manchester may change the description of the extension
280 and alteration project (Project Number 077-0209 PS/EA) at Bennet
281 School in Manchester to a renovation project subsequently qualify as a
282 renovation, as defined in subdivision (18) of said section 10-282,
283 provided the amount of the grant shall not exceed the amount that
284 such grant for such project would be if such project was a project for
285 new construction.

286 Sec. 521. Section 48 of special act 94-14 is repealed and the following
287 is substituted in lieu thereof (*Effective from passage*):

288 Notwithstanding the provisions of chapter 173 of the general
289 statutes and any regulation adopted by the state board of education
290 pursuant to said chapter concerning eligible costs for school
291 construction projects, the town of Brooklyn shall be eligible to receive
292 reimbursement for the sewer and water line extension as part of the
293 alteration and extension project at Brooklyn Elementary and Junior
294 High Schools.

295 Sec. 522. (*Effective from passage*) Notwithstanding the provisions of
296 chapter 173 of the general statutes and any regulation adopted by the
297 State Board of Education pursuant to said chapter 173, the town of
298 Simsbury shall be eligible for a school construction grant for the
299 building or alteration of a recreational facility at Central Elementary
300 School, in an amount not to exceed twenty thousand dollars.

301 Sec. 523. (*Effective from passage*) (a) Notwithstanding the provisions
302 of title 10 of the general statutes, a local or regional school district that
303 is a (1) district for a town (A) with a population greater than twenty
304 thousand, but not more than thirty thousand, and (B) that is less than
305 six square miles in area, in which at least fifty per cent of the property
306 is exempt from taxation pursuant to chapter 203 of the general statutes,
307 and (2) priority school district pursuant to section 10-266p of the

308 general statutes shall qualify as an interdistrict magnet district.

309 (b) (1) The Commissioner of Education shall designate the schools
310 under the jurisdiction of such district as interdistrict magnet schools
311 for the purposes of section 10-264h of the general statutes. No school in
312 such district shall be eligible to receive a grant pursuant to subsection
313 (c) of section 10-264~~l~~ of the general statutes, unless such school
314 operates as an "interdistrict magnet school program", as defined in
315 subsection (a) of said section 10-264~~l~~, and meets the enrollment
316 requirements pursuant to said subsection (a).

317 (2) Not later than three years after the reopening of the schools of
318 the interdistrict magnet school district following school construction
319 projects for such schools, reimbursed at the rate provided for in section
320 10-264h of the general statutes, the local or regional board of education
321 of such district shall, in accordance with the provisions of section 11-4a
322 of the general statutes, report to the joint standing committee of the
323 General Assembly having cognizance of matters relating to education
324 on the progress of such district in enrolling students from other school
325 districts. If such district does not, on or before June 30, 2012, enroll
326 students from other districts at a rate that is at least fifteen per cent of
327 its total district-wide enrollment, such district shall be liable to the
328 state for repayment of the amount representing the difference between
329 the school building project grant received pursuant to this section and
330 section 10-264h of the general statutes, and the grant such district
331 would have otherwise received for such projects pursuant to the
332 provisions of section 10-286 of the general statutes.

333 (c) Notwithstanding the provisions of section 10-283 of the general
334 statutes, as amended by this act, or any regulation adopted by the State
335 Board of Education requiring a completed grant application be
336 submitted prior to June 30, 2006, or subsection (d) of section 10-283 of
337 the general statutes, or any regulation adopted by the board requiring
338 local funding authorization for the local share of project costs prior to
339 application, the projects for the local or regional school district that
340 qualifies as an interdistrict magnet school district under subsection (a)

341 of this section shall be included in subdivision (1) of section 1 of this
342 act, provided the school district secures the funding authorization for
343 the local share and files a completed grant application prior to June 30,
344 2008, and meets all other provisions of chapter 173 of the general
345 statutes or any regulation adopted by the State Board of Education,
346 except as provided for in this section.

347 Sec. 524. (*Effective from passage*) Notwithstanding the provisions
348 section 24 of public act 06-158 requiring that Regional School District
349 #11 and the town of Brooklyn file a completed grant application prior
350 to June 30, 2007, for a project for new construction for a high school
351 under a cooperative arrangement pursuant to section 10-158a of the
352 general statutes, Regional School District #11 and the town of Brooklyn
353 may file a completed grant application no later than December 31,
354 2007, provided a cooperative arrangement pursuant to said section 10-
355 158a for such project is established no later than June 30, 2007."